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RADIO BROADCASTING TO CUBA

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 602

A BILL TO PROVIDE FOR THE BROADCASTING OF ACCURATE INFORMATION TO THE PEOPLE OF CUBA, AND FOR OTHER PURPOSES

S. 659

A BILL TO AUTHORIZE THE BOARD FOR INTERNATIONAL BROADCASTING TO PROVIDE FEDERAL FUNDING FOR RADIO BROADCASTING TO CUBA

APRIL 27, 1983

PART 2

Printed for the use of the Committee on Foreign Relations

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CONTENTS

Hearing day:

Page
- April 27, 1983 1

Statement of—

- Chiles, Hon. Lawton, a U.S. Senator from Florida 13
- Enders, Hon. Thomas O., Assistant Secretary of State for Latin American Affairs 37
- Engelhardt, Robert G., executive vice president, Palmer Communications, Inc., Des Moines, Iowa 78
- Fritts, Edward O., president, National Association of Broadcasters 61
- Grassley, Hon. Charles E., a U.S. Senator from Iowa 22
- Hawkins, Hon. Paula, a U.S. Senator from Florida 15
- Hudson, H. Wayne, president, Plough Broadcasting Co., Inc., Memphis, Tenn 66
- Leibowitz, Matthew L., general counsel, Florida Association of Broadcasters, and special counsel for the South Florida Radio Broadcasters Association, Miami, Fla 74
- Lynch, F. F. Mike, president, Great Empire Broadcasting, Inc., Wichita, Kans 71
- Smith, Wayne S., senior associate, Carnegie Endowment for International Peace 53

Insertions for the record:

- Text of S. 602 and S. 659 3
- Prepared statement of Hon. Paula Hawkins 17
- Prepared statement of Hon. Charles E. Grassley 26
- Prepared statement of Hon. Thomas O. Enders 40
- Telegram from Mr. Kehoe, Director, USIA, dated December 4, 1974, regarding Cita Con Cuba 52
- Prepared statement of Wayne S. Smith 55
- Prepared statement of Edward O. Fritts 63
- Prepared statement of H. Wayne Hudson 68
- Prepared statement of Michael C. Oatman, chief executive officer, Great Empire Broadcasting, Inc 72
- Prepared statement of Matthew L. Leibowitz 75
- Prepared statement of Robert G. Engelhardt 80
- State Department's responses to additional questions submitted by Senator Zorinsky 88

Appendix:

- Prepared statement of Hon. Bob Packwood, a U.S. Senator from Oregon 91
- Prepared statement of F. Clifton White, former chairman, Presidential Commission on Broadcasting to Cuba 92

RADIO BROADCASTING TO CUBA

WEDNESDAY, APRIL 27, 1983

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10:09 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Boschwitz, Pressler, Pell, and Zorinsky.

The CHAIRMAN. I would appreciate our witnesses coming forward as quickly as they can.

Senator Grassley, Senator Chiles, and Senator Hawkins will be our first panel.

The committee is meeting this morning to review again the administration's proposal for funding radio broadcasting to Cuba. This issue was dealt with at length in the last Congress and the House Foreign Affairs Committee and the Committee on Energy and Commerce held extensive hearings on Radio Marti.

The full House voted favorably, 250 to 144, for the project. In July and August of last year, this committee held 3 days of hearings on this legislation. Seven of our witnesses today gave testimony at those hearings. Senators Hawkins and Grassley, Assistant Secretary Enders, Mr. Englehardt, Mr. Liebowitz, Dr. Smith, and Mr. Fritts, another person from your organization spoke.

After detailed discussions with the radio stations involved, the committee adopted several amendments to the House-passed bill and then reported it favorably by a vote of 11 to 5. In spite of heroic efforts, it was ultimately not possible to hold a vote on the bill in the final days of the 97th Congress.

That bring us here again to consider a revised and simpler proposal for funding radio broadcasting to Cuba.

The purpose of radio broadcasting to Cuba, as it has become called, is to provide for the communication of accurate information and ideas to the people of Cuba. In introducing legislation this year, Senator Hawkins noted that when this legislation is enacted, the Cuban people will finally hear the truth.

Access to accurate news reports and varied opinion is something that we, in the United States, take for granted. We forget sometimes that the truth is a most precious commodity in countries where the government censors every broadcast and news report. For decades, the United States has provided the people of Eastern Europe and the Soviet Union an alternative to government propaganda and now, at long last, we can provide the same to the people of Cuba.

I support that interpretation fully. As I have said before, I certainly support the notion that the Cuban people have the right to know the truth. Radio Free Europe and Radio Liberty have important roles in bringing true and accurate information to the people of Eastern Europe and the Soviet Union.

We know that in times of crisis, the listenership increases tremendous. East Europeans know that their own governments simply do not have the guts to tell them the truth.

In contrast, we are not sure that Cubans are even aware that their government does not give them the full story. If Radio Marti can help bring the truth to Cubans, then I support the proposal. It is hard to deny the Cuban people's right to know the truth about their own country and about the world. The prospect of using the U.S. radio broadcasting facility like Radio Free Europe or Radio Liberty has great appeal as well, given the record of these stations.

However, there is also no denying that this proposal is controversial. Our own record of hearings is testimony to that. We have an extensive list of witnesses today. I know that they will shed more light on many aspects of Radio Marti that are of interest to the committee.

[Text of S. 602 and S. 659 follows:]

98TH CONGRESS
1ST SESSION

S. 602

To provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, FEBRUARY 23), 1983

Mrs. HAWKINS (for herself and Mr. CHILES) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

A BILL

To provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radio Broadcasting to Cuba Act".

DECLARATION OF ADDITIONAL PURPOSES

SEC. 2. Section 2 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end of the section the following:

"(b) The Congress further finds and declares—

"(1) that, consonant with this policy set out in subsections (a) (1) and (2), radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and

"(2) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest.".

ADDITIONAL FUNCTIONS OF THE BOARD

SEC. 3. Section 4 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2873) is amended by adding at the end thereof the following:

"(c) In order to further carry out the purposes set forth in section 2 of this Act, the Board is authorized to provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. The Board may carry out this subsection by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Board determines will most effectively carry out the purposes set forth in section 2. With respect to grants to or leases or contracts with a separate entity or other means of carrying out broadcasting to Cuba, the Board shall have the same authorities as those detailed in subsection (a) of this section.

"(d) Radio broadcasting to Cuba under this Act shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

"(e) Any broadcasting to Cuba in accordance with subsections (c) and (d) on the amplitude modulation (AM) band (535 kHz to 1605 kHz), other than that conducted by means of leasing time on commercial or noncommercial educational radio broadcasting stations, shall be limited to the frequency used by the Voice of America for its broadcasts from the facilities located at Marathon, Florida. In the event that broadcasting is conducted on the frequency used by the Voice of America, the Voice of America broadcasting facilities located at Marathon, Florida, may also be used for the purposes of this Act.".

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 4. The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following:

"ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

"SEC. 12. In order to assist the Board in carrying out the purposes set forth in section 2 of this Act, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Board. Support and services shall be provided on a reimbursable basis, which reimbursement shall be credited to the appropriation from which the property, support, or service was derived.".

MERGER OF BOARDS OF DIRECTORS

SEC. 5. (a) Section 11 of the Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following:

"(c) No grant may be made under this Act to Radio Broadcasting to Cuba, Incorporated, or any other corporation established to provide radio broadcasting to Cuba, unless such corporation provides in its certificate of incorporation that—

"(1) the Board of Directors of such corporation shall consist of the members of the Board for International Broadcasting and no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of such corporation and shall appoint and fix the compensation of such managerial officers and employees of such corporation as it deems necessary to carry out the purposes of this Act.

Compliance with the requirements of this subsection shall not be construed to make such corporation a Federal agency or instrumentality.".

(b) The section heading for section 11 of the Board for International Broadcasting Act of 1973 is amended to read as follows: "MERGER OF BOARDS OF DIRECTORS".

98TH CONGRESS
1ST SESSION

S. 659

To authorize the Board of International Broadcasting to provide Federal funding for radio broadcasting to Cuba.

IN THE SENATE OF THE UNITED STATES

MARCH 3 (legislative day, FEBRUARY 23), 1983

Mr. PERCY (by request) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

A BILL

To authorize the Board of International Broadcasting to provide Federal funding for radio broadcasting to Cuba.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION. 1. This Act may be cited as the "Radio Broadcasting to Cuba Act."

DECLARATION OF ADDITIONAL PURPOSES

SEC. 2. Section 2 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end of the section the following:

"(b) The Congress further finds and declares—

"(1) that, consonant with the policy set out in subsections (a) (1) and (2), radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and

"(2) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest."

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"(d) Radio broadcasting to Cuba under this Act shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

"(e) Any broadcasting to Cuba in accordance with subsections (c) and (d) on the AM band (535 kHz to 1605 kHz) other than that conducted by means of leasing time on commercial or noncommercial educational radio broadcasting stations, shall be limited to the frequency used by the Voice of America for its broadcasts from the facilities located at Marathon, Florida. In the event that broadcasting is conducted on the frequency used by the Voice of America, the Voice of America broadcasting facilities located at Marathon, Florida, may also be used for the purposes of this Act.".

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"(1) the Board of Directors of such corporation shall consist of the members of the Board for International Broadcasting and no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of such corporation and shall appoint and fix the compensation of such managerial officers and employees of such corporation as it deems necessary to carry out the purposes of this Act.

Compliance with the requirements of this subsection shall not be *construed to make such corporation* a Federal agency or instrumentality.".

(b) The section heading for section 11 of the Board for International Broadcasting Act of 1973 is amended to read as follows: "MERGER OF BOARDS OF DIRECTORS".

The CHAIRMAN. We will begin with statements by Senator Lawton Chiles who is very close to this and go on to our second panel, if your other senatorial colleagues do not arrive by the time you finish your testimony.

STATEMENT OF HON. LAWTON CHILES, A U.S. SENATOR FROM FLORIDA

Senator CHILES. Mr. Chairman, Senator Zorinsky, I thank the committee for allowing me the opportunity to speak on behalf of S. 602. Mr. Chairman, I would have a hard time improving on the statement that you made, but I do wish to speak in favor of S. 602, the Radio Broadcasting to Cuba Act.

During the 97th Congress, the Senate considered a similar measure which called for the establishment of Radio Marti, this, of course, being the name given to the radio station which would do the actual broadcasting to the people of Cuba.

Its name derives from the Cuban patriot, Jose Marti, who struggled ceaselessly for the freedom of his people. This previous measure enjoyed the backing of the administration, the AFL-CIO and a majority of my colleagues. It passed the House by a two to one margin and cleared this committee by an 11 to 5 vote. Unfortunately, Senate approval was not possible at the end of the last session.

S. 602 seeks to establish Radio Marti for the sole purpose of providing the Cuban people with accurate and unbiased information. It will provide them with news and commentary on issues directly affecting Cuba, as well as providing sports and entertainment programs. I believe that this effort to reach the oppressed people of Cuba is a just cause that should receive prompt approval of this committee and the Congress.

Embodied in the legislation are suggestions recommended by critics of the original bill, namely that Radio Marti drop the original planned frequency of 1040 in favor of the frequency used by the Voice of America, frequency 1180. Also incorporated in this bill is the suggestion that requested Radio Marti be given the alternative to lease time on commercial and noncommercial radio broadcast stations.

I believe these changes should lessen the concern that some broadcasters have had over the possible jamming of their radio stations, especially those who share the 1040 frequency. Broadcasters, in particular, have been understandably sensitive to threats of jamming by the Castro regime. I am aware that this issue needs to be addressed.

I also believe that this country's foreign policy should not be determined on the basis of threats.

Mr. Chairman, I pointed out to you that the problem of interference from Cuba on our radio stations is not a new problem and it is not a problem that has come about by virtue of Radio Marti. It is an excuse that is now being used, as the Cubans have seen fit to use many other excuses, for their flagrant setting frequencies of stations on top of ours in the past.

I am confident that, given the past conduct, there will continue to be problems in this interference area, and Radio Marti should not be seen as the only reason for those particular problems, and certainly not used as a reason for why we should not be addressing this interference problem of Cuba in the strongest possible way that we can.

Mr. Chairman, some have questioned the need for Radio Marti. The President is addressing a joint session of Congress this evening. He plans to speak about the current turmoil in Central America and the ever increasing threat of Communist domination in this volatile region. While it is far too late to prevent the Communist domination of Cuba, it is not too late to provide its people with an alternative to the Communist controlled media.

I hope that it is never too late to speak up in defense of the Cuban people and certainly to try to attempt to hold the present government accountable for its actions in Central America, in Africa, and within its own borders.

Living in Cuba is like living in a cave. Its people have been kept in the dark and have little idea of what is going on in the outside world. They have little information on what their government is doing abroad and even less on what its policies are doing to them at home. Yet they are directly affected by both.

For 20 years, it has been that way. I find it unconscionable that this should be allowed to continue for even one more day. With the establishment of Radio Marti, the Cuban people will be able to find out the truth about their government and understand the consequences of its misguided policies. Simply stated, Radio Marti is going to provide the truth to the Cuban people.

There are those who would suggest that this is only a propaganda ploy. I do not think any of us would like to be promoting this if we felt that that was true. The strength of Radio Marti is that its audience will perceive it as a source of news that can be trusted. This trust can never be achieved by airing propaganda, and no one is proposing that we do that.

What we are proposing is that Radio Marti will serve as a reliable source of news and commentary in the same way that Radio Free Europe and Radio Liberty serve as reliable news sources.

These are credible news sources that, along with the Voice of America, have established a loyal listening audience among the people of Eastern Europe and Russia. Their audience attests to their acceptance. There is no reason to assume that Radio Marti will be any different and that it will not strive with the same vigor, and adhere to the same high standards, that have been the trademark of Radio Free Europe and Radio Liberty.

In this manner, Radio Marti will accomplish its first objective and that is to gain credible acceptance of its listening audience. It should be noted that in countries receiving Voice of America broadcasts, the main criticism leveled by the listeners has nothing to do with the question of propaganda. Their complaints all have to do with the feeling that the Voice of America does not dedicate enough time to carry news about their own particular regions.

By now, it should be evident that what people living in oppressed lands desire most is information, especially information about themselves, information about what is really happening in their country.

Radio Free Europe and Radio Liberty provide this information to the people of Eastern Europe and to the Soviet Union. By approving Radio Marti, we will be able to give the same information to the people of Cuba.

I have also heard it said that Radio Marti will only lead to confrontation, that negotiations with Castro would be a better course to take. We are not proposing confrontation with Cuba, and we are not going to use the broadcasts as a means to incite discontent among the island's population. This is not the purpose of Radio Marti and such a notion would be ludicrous.

Radio Marti is not a confrontational alternative but rather one of the few peaceful alternatives that we have left. It is an exchange of information, and an exchange of ideas. While this may make Mr. Castro a bit uncomfortable, I believe that providing the Cuban people with this information is a right that can no longer be denied to them.

I am not adverse to the notion of negotiations with Cuba in order to solve our differences, but let us not forget that we have tried that route before, to no avail. Radio Marti does not close the door to negotiations. On the contrary, it could very well be a step toward the resumption of talks, but that is another matter.

Mr. Chairman, the pros and cons of this issue were debated during the last Congress. They are sure to be debated again as we take up the consideration of this new bill.

I would ask that S. 602, the Radio Broadcasting to Cuba Act, be passed by this committee as quickly as possible and sent to the Senate for consideration. As we sit here today, debating this important issue, I would like to remind the committee that the people of Cuba continue to be in the dark, totally unaware of the government's action. They need the voice of Radio Marti to provide them with accurate information that they yearn for, and to invoke that right that is justly theirs, the right to the truth.

The CHAIRMAN. Thank you very much, Senator Chiles.

Senator Hawkins, I have quoted extensively from your statements previously made in my opening statement today, and we are very happy to have you testify now.

STATEMENT OF HON. PAULA HAWKINS, A U.S. SENATOR FROM FLORIDA

Senator HAWKINS. Thank you, Mr. Chairman, and I appreciate the cooperation you have given us in scheduling these hearings today. We met with our colleague, Dante Fascelle from the House side, outside your office and he is working that side of the street.

I do not want to be repetitious of the things I have said before. Even though the commercials I see daily on television are very repetitious—I can hum them and whistle them and know most of the words, and I imagine that is the way you feel right now about this subject.

My colleague, Senator Chiles, has told you these are reasons, again, why we feel so keenly that we should have this Radio Marti, and I think that, as he has stated right while we are sitting here, the need becomes even greater.

Last year, this committee was willing to grant the administration far more sweeping authority to broadcast in the commercial AM frequencies than requested in the current legislation. Last year's Radio Marti bill would have authorized the National Telecommunications and Information Administration [NTIA], in consultation with the Federal Communications Commission [FCC], and after public participation, to select a frequency to broadcasting to Cuba.

While the legislation did instruct the NTIA to take into account the impact of the domestic broadcasting, there were no guarantees to protect those broadcasters. This Radio Marti bill provides those guarantees.

This year's bill is specifically designed to respond to concerns of domestic broadcasters. On November 17, 1982, Edward Fritts, the president of the National Association of Broadcasters [NAB] sent a memo to every member of the U.S. Senate—I know you got yours. In it, he suggested five proposals for the operation of Radio Marti that would minimize its potential to exacerbate an already intolerable situation.

Those suggestions were: No. 1, put Radio Marti into the AM band outside of commercial frequencies; No. 2, operate Radio Marti on short-wave; No. 3, permit government leasing of air time to existing commercial AM stations for Radio Marti; No. 4, allow Radio Marti to share the frequency now used to produce the kind of programing envisioned for Radio Marti.

Earlier in the year, on August 16, 1982, Senators Grassley and Jepsen cosponsored an amendment "to protect United States AM broadcasters from interference caused by Cuban jamming of Radio Marti." This amendment proposed almost identical measures to those later recommended by Mr. Fritts and the NAB.

The bill that was introduced this year addresses all these concerns. In fact, the language you are now considering expressly prohibits the establishment of Radio Marti on any commercial AM frequency with the possible exception of 1180 kHz, a frequency that has long been available for government use.

As a result, the options under this bill are virtually identical to those recommended by Senator Grassley, Senator Jepsen, and the NAB last year. Consequently, many criticisms of the bill that were made last year no longer apply this year. In fact, on an issue that is clearly within its foreign policy prerogatives, I believe that this administration has been extraordinarily accommodating to the domestic industry.

In the interests of the committee's time, I would ask that the remainder of my remarks be placed in the committee record and that they appear there in full. Before I conclude, however, I would like to make a few, brief comments regarding the issue of Cuban interference that has been discussed so much.

Radio Marti has focused on the Cuban interference problem, an issue that has long been of interest to us in Florida. In the last Congress, when this committee marked up Radio Marti, it added a provision to allow for the compensation of certain radio stations according to certain guidelines that were to be drawn up by the FCC.

I support the concept of compensation, because I believe that the Federal Government must bear some responsibility for helping stations overcome the effects of consideration beyond domestic control. However, I would recommend that this year the committee take a different approach to the question of compensation.

Today, I am introducing an amendment to S. 602, the Radio Marti bill, to provide for facility compensation. By this, we would compensate radio broadcasters for the cost of altering the facilities in an attempt to overcome the effect of Cuban interference.

The Board for International Broadcasting would be responsible for overseeing this compensation program and a pot of $5 million would be set up and drawn upon until it was expended. These funds would be available both for broadcasters who suffered interference and those who might in the future.

The House International Operations Subcommittee has followed this approach, and I believe that it addresses the legitimate concerns of the broadcasting community. I know that some broadcasters have called for mandatory economic compensation that could amount to hundreds of millions of dollars, but I believe that these are irresponsible claims and thinly disguised attempts to kill the bill.

Mr. Chairman, Radio Marti, as you know, has strong bipartisan support. It has attracted 30 cosponsors in the Senate this year. We had 44 last year. The lesser number is only due to the lack of time for running the paper around to get it signed.

It has the support of the AFL-CIO, President Reagan, and, last year as you know, it passed the House by a two to one margin. I believe that Radio Marti represents a peaceful, yet effective, foreign policy option for the United States to use in the Caribbean, and I hope that this committee will take prompt action so we will see this bill on the floor as soon as possible.

Thank you.

[Senator Hawkins prepared statement follows:]

PREPARED STATEMENT OF HON. PAULA HAWKINS

Mr. Chairman, members of the committee, thank you for this opportunity to testify once again on the proposal to establish government-sponsored radio broadcasting to Cuba. This year, the need for Radio Marti is the same—and even greater—but the bill itself is not the same. Last year this committee was willing to grant the administration far more sweeping authority to broadcast in the commercial AM frequencies than requested in the current legislation. Last year's Radio Marti Bill would have authorized the National Telecommunications and Information Administration (NTIA), in consultation with the Federal Communications Commission (FCC), and after public participation, to select a frequency for broadcasting to Cuba. While the legislation did instruct the NTIA to take into account the impact on domestic broadcasters, there were no guarantees that protected broadcasters. The new Radio Marti Bill provides those guarantees. This year's bill was specifically designed to respond to the concerns of domestic broadcasters.

On November 17, 1982, Edward O. Fritts, the President of the National Association of Broadcasters (NAB) sent a letter to every member of the United States Senate. In it he suggested five proposals for the operation of Radio Marti that would "minimize its potential to exacerbate an already intolerable situation." Those suggestions were: (1) put Radio Marti at either end of the AM band, outside of commercial frequencies; (2) operate Radio Marti on shortwave; (3) permit Government leasing of airtime to existing commercial AM stations for Radio Marti; (4) allow Radio Marti to share the frequency now used to include the kind of programming envisioned for Radio Marti.

Earlier in the year, on August 16, 1982, Senators Grassley and Jepsen cosponsored an amendment designed "to protect United States AM broadcasters from interference caused by Cuban jamming of Radio Marti." This amendment proposed almost identical measures to those later recommended by Mr. Fritts and the NAB.

The bill that was introduced this year addresses these concerns. In fact, the language in the bill you are now considering expressly prohibits the establishment of Radio Marti on any commercial AM frequency, with the possible exception of 1180 kHz (kilohertz), a frequency that has long been available for Government use. As a result, the options, under this bill, are virtually identical to those recommended by Senators Grassley and Jepsen, and the NAB last year. Consequently, many of the criticisms of the bill that were made last year no longer apply. In fact, on an issue that is clearly within its foreign-policy prerogatives, the administration has been extraordinarily accommodating to a domestic industry.

It's time that the United States took steps to further the cause of liberty and freedom of speech in Cuba. The best way for a totalitarian government to retain control of its people is to manipulate the media, and by so doing keep the population ignorant—or disinformed. As a result, control over newspapers, TV, and radio is the key to the totalitarian government's power. After all, if the people have little or no access to information other than government propaganda, then they can have no basis for dissent. And Cuba is no exception. This is the crux of the significance of Radio Marti. Radio Marti would, for the first time in a long time, provide the people of Cuba with an alternative to government-censored news. For decades, the United States has provided the people of Eastern Europe and the Soviet Union with an alternative to government propaganda, and Radio Marti would provide this same service for the people of Cuba. As it stands now, the Cuban people learn the news from either the government-controlled media or by word of mouth. Both these sources are inadequate and unreliable. True, there are broadcasts that reach Cuba from Florida, but these are for the most part in English and are designed for an American, not a Cuban, audience.

What the people of Cuba need is a Spanish-language broadcast with a clear signal to alert them to events involving Cuba domestically or internationally. They do not get such information now. Most Cubans are unaware of the mismanagement of the Cuban economy. They do not know that during the 1976–80 5-Year Plan, production in most key sectors fell far below planned goals. They are not aware that the Cuban economy is expected to be even less successful at producing jobs in the future. They are also ignorant of the fact that the government-imposed bureaucracy, in addition to the personal inconveniences it causes, is stifling the innovation, productivity, and efficiency needed to improve Cuban economic conditions. The average Cuban does not know that the only thing that has prevented a Cuban economic collapse has been over $13 billion in Soviet aid over the last decade, or that Soviet subsidies now equal over $3 billion per year, 25 percent of the Cuban Gross National Product. While many Cubans know from their own experience about broken promises concerning the availability of housing, foodstuffs, and consumer goods, they are unaware that these problems plague the great majority of the Cuban people.

Local disinformation is also a problem. For example, the Cuban Government points to an increase in the number of physicians in Cuba as one of its health care successes. In fact, though, the number of physicians as a percentage of the population has increased only marginally since the Revolution, and the turnaround began 5 years before the Castro takeover. More important, infant mortality—a function of illiteracy, poor nutrition and a rising birth rate—has increased since Castro's revolution.

The Cuban people are also deliberately kept ignorant of the Cuban Government's foreign adventures. Cuban soldiers who have died in Africa have been buried there, and those who have been wounded have been treated in Eastern Europe as a part of a concerted effort to hide the truth from the people of Cuba. Closer to home, the Castro regime has armed, trained, and supported guerrillas from Colombia to Nicaragua. Yet, the Cuban people are unaware of their country's deep involvement in and commitment of resources to international subversion, or the diplomatic setbacks these policies have caused.

The people of Cuba need to know the actual outcome of Castro's programs. Radio Marti will accomplish this. Radio Marti will supply the Cuban people with information they cannot get through the government censored news media. It will encourage the Cubans to draw their own conclusions and think for themselves.

This new station gets its name from Jose Marti, the leading figure in the Cuban Independence Movement. He is Cuba's greatest hero, and a man held in high regard throughout the Caribbean. By adopting the name Marti, we have set a high standard for ourselves for truthfulness and integrity. I am sure we can meet this standard.

No doubt, you have heard about the threatened radio interference from Cuba in retaliation to Radio Marti. The people of Florida, however, have lived with such interference for the past 13 years. It is a mistake to suppose that this is related to Radio Marti. Long before Radio Marti was announced, Cuba declared its intentions to create or expand 200 radio stations, and to construct two half-million-watt transmitters. True, interference may affect American radio stations. However, Cuba began this aggressive buildup before Radio Marti was ever announced. Mr. Cillie Tarleton, Chairman of the NABs Task Force on Cuban Interference, acknowledged earlier this month that Cuba is trying to make Radio Marti the main issue, but that Cuban interference has been an off-and-on occurrence since at least 1961. In this context, Mr. Tarleton was quoted as saying, "Radio Marti is a new issue, another issue . . ." Clearly Radio Marti is not the cause of Castro's interference. Radio Marti is only an excuse for Castro to try to blackmail the United States.

I believe we have a right, as a nation, to decide our foreign policy independently, regardless of the threats of a foreign dictator. I know, Mr. Chairman, because you have told me that you will never stand by and watch this nation give in to blackmail and I hope the rest of the Senate will follow your bold lead on this.

Radio Marti has focused attention on the issue of Cuban interference, an issue that has long been of concern to Florida. In the last Congress, when this committee marked up Radio Marti, it added a provision to allow for the compensation of certain radio stations according to guidelines that were to be drawn up by the FCC. I support the concept of compensation because I believe that the Federal Government must bear some responsibility for helping stations overcome the effects of a situation beyond domestic control. However, I would recommend that this year the committee take a different approach to the question of compensation.

Today I intend to introduce an amendment to S. 602, the Radio Marti Bill, to provide for facility compensation. By this we would compensate radio broadcasters for the cost of altering their facilities in an attempt to overcome the effect of Cuban interference. The Board for International Broadcasting would be responsible for overseeing this compensation program, and a pot of $5 million would be set up and drawn upon until expended. These funds would be available both for broadcasters who have suffered interference and for those who might in the future.

The House International Operations Subcommittee has followed this approach, and I believe that it addresses the legitimate concerns of the broadcasting community. I know that some broadcasters called for mandatory economic compensation that could amount to hundreds of millions of dollars, but I believe that these are irresponsible and thinly disguised attempts to kill the bill.

Mr. Chairman, Radio Marti has bipartisan support. So far, it has attracted 33 cosponsors in the Senate. It has the support of the AFL-CIO, and President Reagan, and last year it passed the House by a 2 to 1 margin. I believe that Radio Marti represents a peaceful, yet effective foreign-policy option for the United States to use in the Caribbean, and I hope that this committee will take prompt action so that we can see this bill on the floor as soon as possible.

The CHAIRMAN. Thank you very much.

Do you both feel that, on the balance now, the major objections that were raised to Radio Marti in the last session of Congress have now been answered?

Senator HAWKINS. Yes, sir; I do.

Senator CHILES. I do think so, Mr. Chairman.

The CHAIRMAN. What do you think the long-term effect and impact of Radio Marti will be on Cuba itself, and then on Cuban and United States relations?

Senator CHILES. My feeling, Mr. Chairman, is that there is now, for the first time, there will have to be some accountability by Mr. Castro if he intends to introduce troops into combat in Angola, Ethiopia, and other places. We know that very carefully they have tried to keep down their death toll, the casualties that occurred as a result of fighting that was done by Cuban troops.

That is something. Now in the future, if he continues this kind of adventurism, there will have to be accountability for that. I think that would be a very beneficial effect in regard to reducing some of the acts of terrorism and the acts of providing troops for what Russia would like to have done, be their surrogate in many of these regions, and, at the same time, the Cuban people may find out what is going on.

The **Chairman**. Could you tell the committee what you feel will be added to the whole program that cannot now be provided by VOA/Marathon?

Senator **Hawkins**. In the first place, VOA/Marathon broadcasts 6 hours a day. That is really not long enough for the Latin temperament and their customs. It should be broadcast, I think, a minimum of 14 hours a day.

We are talking about 14 hours a day of broadcasting on this particular station. The truth is what needs to be spoken at all times.

In addition, this bill provides some advantages regarding jamming. It provides the opportunity of skipping here, skipping there or here, so that jamming the VOA network also would not be as critical to the continued broadcasting of the truth.

These people of Cuba, for years now, have only heard what Soviet Russia and Castro has decided they want them to hear. For example, as my colleague stated before, if their young men are killed, they are buried in Angola. Those mothers and fathers have no idea what happened to their families.

The Cuban Government says that medicine has taken a giant step forward because of Castro, et cetera, yet infant mortality is high. So just by having the length of time to become a dependable source, I believe, is what is going to be marvelous about this particular Radio Marti.

It will not be a propaganda tool. I think I heard yesterday from several of the broadcasters that maybe they would like to handle it and just handle it in the real commercial world.

Then I think we would be in trouble in the commercial world. The VOA and RFE/RL have high marks on their report card for being professional and for disseminating the truth, and they are very experienced.

So I think this is something the President wants. It is obviously long needed now that we have so many hot spots in Latin America. We are just now getting where we are putting a Band Aid here and there.

The **Chairman**. You have maintained that the new bill does protect the broadcasters from Cuban retaliatory interference. I wonder if you could just be a little more specific about how the new bill accommodates concerns about interference.

What interference do Florida broadcasters currently get from Cuba? What is the opinion of the Florida Association of Broadcasters about Radio Marti?

Have you discussed with them some of the concerns they have had in the past, and are those now pretty much answered?

Senator **Hawkins**. Yes. That is the purpose of the amendment that I introduced today. I believe that certain limited types of compensation are appropriate. Indeed, we have had interference for 13 years and they have never gotten any compensation for it. It is something that they have learned to live with, and only recently have had to pay exorbitant sums, in my mind, to attorneys to come before the FCC to raise their towers and get a stronger signal. That has been very unfair to Florida broadcasters.

The interference nationwide last August that was alarming to several Senators was only, you know, one night. It happened to 22 stations, *not just to WHO. The only thing that was different* that night that the Cubans broadcasted on WHO's frequency, was that their normal broadcasts were in English rather than in the standard Spanish.

So I would say that there is legitimate concern that that would happen, but not frequently.

You cannot back down, Mr. Chairman, from the threat of what Castro might do. You cannot back down in your foreign policy decisions. So therefore, he went ahead and built his high towers whether we built Radio Marti or not.

So in my opinion, they do have a legitimate concern. In my amendment we would put aside a $5 million pot when the stations come and prove the interference. We are not just giving it out, like green stamps at the grocery store.

Florida broadcasters support the bill, with my amendment for compensation.

The CHAIRMAN. Senator Chiles.

Senator CHILES. Mr. Chairman, I think it is clear that interference is something that has been going on for a number of years. Castro has built these large towers. He has made threats before, not in connection with Radio Marti, and has interfered before, not in connection with Radio Marti, and that is something that is going to continue.

Certainly it would probably continue even more if we show that we lack the will that we are going to change, or have our policy affected by the fact that we are concerned by what Castro can do.

So I think the worst thing that we could possibly do, and probably the thing that would more guarantee interference than anything else, would be to say that we were going to back off from this project. Now, we have attempted, in this bill, to take care of the legitimate concerns by not utilizing the channel that appeared would interfere with the amendment that Senator Hawkins is now talking about to provide reasonable compensation for facilities for being decided on interference.

I think we are doing everything we possibly can. In fact, taking a further step than the broadcasters now have. I think the fact that you find that the Florida broadcasters, who are those who are most susceptible to interference, now will support the bills with these amendments show the steps that we have taken.

The CHAIRMAN. A final question. Some concern has been raised that this voice going into Cuba raising expectations, possibly pointing out points of discontent might cause hundreds, if not thousands, of additional Cuban refugees to come into our shores. Does this bother you, or concern you in any way?

Senator HAWKINS. No, I think it would work the opposite. I think this voice would say do not be deceived, do not pay your $2,000 or your $1,000 or whatever the boat captains, if they were to turn up again, do not do that, because we have interdiction in place, and we are going to be taking you back.

The day before yesterday, the Coast Guard took back a boatload of Haitians that were sighted 3½ miles off the Florida shore. Now, that is the closest that they have been into the shore that they have been interdicted and returned to Haiti.

So we could broadcast that message, that things are going to get better. You stay home. Do not get caught in that boat trap.

The **Chairman**. Senator Chiles.

Senator **Chiles**. Mr. Chairman, we are beginning on the Senate floor this week, I think, to address interdiction and, as part of the provisions of that, some of us want to see emergency powers spelled out, so I think much needs to be done on that question. But I do not think Radio Marti is going to affect that at all.

I think that we need to strengthen our policies. We need to set those policies, the steps that we will take in that regard, and I think we would have an instrument in Radio Marti to be able to voice what those policies are.

The **Chairman**. Thank you very much.

Senator Grassley, would you like to make any remarks at this time? Your colleagues have finished their testimony and I have finished my questioning of them.

Senator **Grassley**. I will wait until they are done.

Senator **Pressler**. Mr. Chairman, I have some questions.

The **Chairman**. Are you here to testify?

Senator **Grassley**. Yes. I was first on your list, but I could not be here.

The **Chairman**. Why do you not give your testimony now?

Senator **Pressler**. Mr. Chairman, I have to preside over the Senate at 11 and I would like to ask the Florida Senators a few questions.

The **Chairman**. They are all here as one panel. Senator Pell has not asked any questions yet. There will be plenty of time for questions. I wonder if you could assume the chair for just a moment. I have an urgent call I have to make.

Senator **Pressler**. But we have only 12 minutes before I have to depart, if Senator Pell has to ask questions.

The **Chairman**. He will yield to you, then.

Senator Grassley.

Senator **Grassley**. Well, if he has only 12 minutes, I have 10 minutes of testimony.

Senator **Pressler**. Well, go ahead. I will listen and then I will ask questions for 2 minutes.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM IOWA

Senator **Grassley**. I want to thank you, Mr. Chairman, for holding these hearings.

Although considerable energy was devoted to Radio Marti last year, major factors have changed since that period of time, part of which are reflected in the new bill. I am here to say that this legislation is still inadequate.

As you know, my initial interest in Radio Marti stemmed from my concern about its impact on WHO Radio in Des Moines, Iowa, and the essential news services provided by that station for the last 60 years to Midwest city and farm audiences. WHO also serves as a key link to 60 other Iowa radio stations that comprise the Iowa Emergency Broadcast System.

The Radio Marti proposal contained serious flaws last year, not the least of which was the fact that it virtually assured failure of its stated purposes as well as the devastation of WHO Radio.

It was apparent, however, that Radio Marti presented a broader problem for our entire domestic broadcasting system. Consequently, I began to work for a solution that would protect our domestic broadcasting interests while at the same time achieve the goals of Radio Marti. Since I supported the concept of Radio Marti, yet fully appreciated the concerns of our domestic sector, I thought I would be able to help find an acceptable solution.

It is time to admit the obvious. At this point, Radio Marti is not going to save Latin America from the Soviet/Cuban threat. It will not stop Castro's drug running in this country. It is not needed to prove our might over Castro.

The sole purpose of Radio Marti, simply, is to provide to the people of Cuba objective information about Castro's mishandling of domestic affairs and his military adventurism throughout the world as a Soviet puppet. I accept this purpose as achievable and desirable.

I do not, however, support this objective under all circumstances and at all costs. Radio Marti holds serious ramifications for our domestic interests and alternatives exist that can minimize that risk. It is the responsibility of Congress to protect these domestic interests. U.S. foreign policy must work toward that end, not against it.

When will we learn that the Government, not the private sector, must bear the risks and burdens of U.S. foreign policy? Not long ago, some misguided politicians decided that an embargo on grain trade with the Soviet Union would serve as an effective response to the Soviet invasion of Afghanistan.

I opposed this embargo, not because I applauded the Soviet slaughter of innocent Afghans but because I realized that using the markets of our farmers for foreign policy objectives would result in far greater harm to the United States than to the U.S.S.R. Would you have supported this foreign policy initiative had you known that it would cost U.S. farmers and consumers well over $11 billion, 310,000 jobs, and our country's reputation as a reliable supplier of grain and foodstuffs?

The same principle applies to Radio Marti. Like it or not, the fact remains that if we use the AM or FM domestic frequency spectrum for Radio Marti, our domestic broadcasting system will be made fair game for foreign policy maneuvering between the United States and Cuba. In short, Radio Marti transforms our domestic broadcasting system into a chessboard for foreign policy, forcing U.S. broadcasters and our listening public into the role of pawns.

As with the Soviet grain embargo, Radio Marti utilizes the medium or market of our domestic sector to achieve its objectives. Any resulting harm will not fall upon our Government, but it will fall upon our U.S. broadcasting system, our domestic broadcasters, and our listening public. This is an unavoidable fact. Our broadcasters would not be here today to testify if that were not true.

We have been assured that Castro will not counter with interference. Then what do you suppose he was doing last August when he turned his radio broadcasts to the United States, causing serious interference to several American stations? This action was in response to the tuning of the Navy's radio facility located at Saddlebunch Key, Fla.

I have been assured that if Castro does interfere with our broadcasts, that the United States holds 40 different responses that can effectively counter his attempts. If this is the case, why have we not used these measures to stop Castro's menacing intereference of radio stations located in Florida for the last 15 years? For those people who have demonstrated to us that Florida's interests have been hurt, I think they ought to spend as much time finding the answer to this question, as they are fighting for a radio station that is likely to exacerbate the problem.

It has also been argued that we cannot allow Castro to dictate our foreign policy. Who suggests that we should? This argument distorts the issue. The real issue is: What are we doing using our domestic broadcasting spectrum to launch this foreign policy objective? Whatever happened to the accepted practice of using shortwave for government purposes?

Last year, I met with administration officials on several occasions to discuss my concerns about the impact of Radio Marti on WHO Radio and the broadcasting sector as a whole. No progress was made, so I offered to your committee last year four possible broadcasting alternatives—shortwave, off-band, voluntary leasing, and expanded VOA/Marathon operations.

I am submitting for the record a copy of my statement from last year which details these alternatives. I had hoped that these suggestions could be used as a focal point for a solution that would help broadcasters and the Radio Marti effort.

My suggestions were strongly opposed by the administration and others in Congress. Although some members of the committee expressed an interest, passage was not certain, so I agreed to negotiate with the administration to find out what would be acceptable. A compromise amendment was reached that added a fifth criteria to the frequency selection process developed by the House Commerce Committee and accepted by the full House of Representatives.

Displeasure understates my feelings about what occurred following the committee's acceptance of this compromise amendment. As you know, I ended up opposing Radio Marti last year and I am submitting for the record an account of that controversy.

During the past few months, broadcasters have been attempting to resolve their concerns through meetings with the administration. Progress has been made, but, notwithstanding claims to the contrary, S. 659 does not adequately resolve the problems that Radio Marti presents to the broadcasting sector. Broadcasters know their business far better than most of us, so I am deferring to their judgment. I urge you to listen carefully to their concerns and to adopt their proposals.

The committee should also be made aware of additional information that alters the complexion of this whole issue of Radio Marti since we discussed it last year. A few weeks ago, the Cuban Independiente y Democratica [CID], an organization of Cuban exiles who seek the restoration of democracy to their homeland, released a report entitled "Radio Broadcasting in Cuba."

This report details the broadcasting efforts of the CID that parallel the objectives of Radio Marti. By the end of this year, the CID will have expanded it's 5-station operation to include a total of 10 stations—

nine shortwave radio stations and one 100-kilowatt medium-wave station.

Many are already familiar with the CID and its members. The Secretary General of the CID, Huber Matos Benitez received support from over 140 Congressmen and Senators during the late 1970's for his release from years of Cuban imprisonment for his outspoken criticism of communism. Last October, President Reagan sent a message of support to the Third Congress of the CID held in New York.

This effort sheds new light on Radio Marti. We have been told time and again that "the only news available to the Cuban population is a steady diet of government propaganda and censored news." Now we learn that this is not the case.

The CID also has found that "in Cuba four out of five radios have good shortwave capabilities." Last year, it was argued that only a few shortwave receivers existed in Cuba and were in the hands of the political and loyalist government officials. This new information strengthens the arguments for the use of shortwave and substantially diminishes the basis for utilizing the AM spectrum.

I leave the CID report for the committee to draw its own conclusions. It is clear to me, however, that these efforts should be carefully studied before marking up this legislation. If nothing else, I believe these revelations clearly justify limiting Radio Marti to shortwave, the accepted government radio frequency.

If, on the other hand, the committee is determined to utilize an AM frequency for Radio Marti, there is no valid reason for not following the recommendations of our broadcasters.

If the committee chooses the AM spectrum, there are two amendments that I would like to have included with this legislation. The first specifies that 1180 kHz shall be the frequency utilized by the VOA/Marathon facility in broadcasting Radio Marti programs. The bill is not as specific as this amendment would be.

The second bars the government from using any AM or FM frequency unless we face a national emergency. The first amendment is simple enough. The second provides the broadcasting industry protection against future government encroachment into the non-government frequency spectrum.

Recent events strengthen my conviction that these two amendments are necessary. Two weeks ago, the Defense Department sent a letter to the National Telecommunciations and Information Administration requiring it to coordinate with the Federal Communications Commission to assign 1040 kHz to the Navy radio facility built last year for Radio Marti. The Defense Department now decided it would use this facility for, in their words, "purposes other than Radio Marti"—and these purposes were all classified.

I suspected that the aim was to eventually lease this facility for Radio Marti or perhaps turn it over to VOA operation. Regardless of Defense plans, the fact remains that this use would be equally jeopardizing to the WHO Radio and other broadcasters as any other proposal. This action to assign 1040 kHz was taken in spite of the administration's full knowledge that the Iowa congressional delegation opposes Government use of this frequency. I view the acceptance of these two amendments as a bare minimum.

Finally, if the committee decides to utilize the VOA/Marathon operation, let me offer a suggestion that might make it more palatable to all concerned. Perhaps everyone's concerns can be satisfied if Congress authorizes a separate group to program material for Radio Marti to be broadcast over VOA/Marathon. The operation would continue under VOA, but the programing created by this other group could be identified as Radio Marti broadcast programs.

This may not completely satisfy those who did not wish to risk the operation of VOA, but it is better to compromise one VOA station than it is to jeopardize our entire domestic broadcasting industry.

In concluding, S. 659 does not satisfactorily resolve the problems of America's broadcaster. A number of changes must be made. These changes can be made without jeopardizing the effectiveness of Radio Marti and the committee has the full opportunity to both support Radio Marti while protecting our domestic concerns. Obviously the choice is up to this committee.

Thank you, Mr. Chairman.

[Senator Grassley's prepared statement follows:]

PREPARED STATEMENT OF HON. CHARLES E. GRASSLEY

RADIO MARTI NEGOTIATIONS

Last year I negotiated and agreed to a compromise amendment to Radio Marti legislation which was later accepted by the Senate Foreign Relations Committee. Subsequent actions by Administration officials and others in the Senate raised serious questions about their intentions to fully honor the foundation and spirit of our agreement as embodied in the frequency selection process developed by the House of Representatives. These actions left me little choice but to join the filibuster of Radio Marti. To clarify any misunderstandings created by misrepresentations of this controversy, I offer the following.

Initially, I recommended four alternatives to Radio Marti that I had hoped could be studied to find common ground to resolve the concerns of broadcasters as well as improve the viability of the Radio Marti effort. Several Senators on the Committee were receptive to these ideas. Others, including the Administration, adamantly opposed these suggestions upon the dubious grounds that they would undermine Radio Marti and refused to offer any serious consideration.

Although I viewed these alternatives superior to those contained in the bill, I recognized that this dogmatic opposition could eventually foil passage and enactment of my proposals. I therefore agreed to listen to Administration suggestions. Ultimately, I negotiated a compromise amendment that added a fifth criterion to the frequency selection process established by the House Commerce Committee and the full House of Representatives. That process involved a rule-making by the National Telecommunications and Information Administration to select a frequency for Radio Marti.

Since the House Commerce Committee report language fully detailed the nature of this process and how it would be conducted, our negotiations were obviously based entirely upon the foundation that had already been constructed by the House. The Administration indicated no dissatisfaction with the frequency selection process for which it had bargained during the House deliberations. No one stated any desire to change the House Radio Marti legislation nor the House Commerce Committee report language.

The fifth criterion that we negotiated, therefore, was a simple extension of the legislative work of the House of Representatives—nothing more, and certainly nothing less. It would be absurd to suggest anything to the contrary.

After securing written assurances of the Administration's support for this amendment, I endorsed the compromise in lieu of my original proposals. The Senate Foreign Relations Committee voted to approve the provision.

The Chairman of the Committee graciously offered me the opportunity to provide committee report language that explained the compromise amendment and the frequency selection process. This was an altogether reasonable offer since I had been involved in these negotiations more closely than most others on the committee. Furthermore, the subject of the amendment related to technical communications matters as opposed to foreign policy concerns. As important, however, was the fact that my office had been working extensively with WHO Radio's attorney, Mr. Kenneth D. Salomon, who had been involved in negotiations for this frequency selection process in both the House and Senate. It is worth noting Mr. Salomon formerly served as Deputy Chief Counsel at the NTIA. His assistance assured an important continuum in the work of the House and the Senate on Radio Marti, and therefore he was instrumental in drafting appropriate, accurate, and consistent committee report language that I ultimately submitted to the Committee.

Since the frequency selection process had been developed by the House Commerce Committee, naturally we turned to its committee report language as a guide. The language offered to the Senate Foreign Relations Committee for its report was virtually identical to that of the House.

I was surprised and dismayed when I learned that the Administration strongly objected to this language. I could not understand why if the language was acceptable for the House report, why now it was not acceptable for the Senate. I should have been informed that the Administration no longer supported the frequency selection process as developed by the House before we sat down to negotiate.

Instead of coming to me to discuss their problems, certain Administration officials attempted to convince others that this was not part of the agreement, that Senator Grassley was reneging. They even went as far as to manipulate others, not as closely involved in these negotiations, to agree that this was not part of the bargain before staff had the opportunity to fully explain the nuances of this complex, carefully constructed frequency selection process.

I, however, did fully understand the complexity of the frequency selection process and consequently recognized this action by the Administration and other Senators as an undeniable effort to undermine the strength and protections that this legislation and committee report language provided broadcasting interests.

The Administration prevailed and my report language was not adopted. Instead, it was included in the report only as "my understanding." This action was disturbing and unacceptable. I did not bargain for meaningless words.

In short, what the Administration now found objectionable, but what they failed for some reason to mention during House deliberations, during our negotiations, and during Senate Foreign Relations Committee mark-up when this amendment was explained, centered upon the report language reaffirming that this new frequency selection process would operate under the full protections of the Administrative Procedures Act. This Act guarantees the private sector the Constitutional right of Due Process. The report language explained that the new frequency selection procedure would be afforded a full rule-making process under the APA. The hearing record from last year supports the position that this would be a full rule-making process. "Rule-making" is a term of art that clearly means full APA rule-making process, not a modified version. No one offered any objection to this position during mark-up when Mr. Salomon explained this provision. Committee transcripts bear this point out.

During the "lame-duck" session, I joined several of my colleagues in the filibuster of Radio Marti. Not until it became clear that our filibuster was serious and effective, did anyone from the Administration bother to contact me to see if we could work something out. Although I felt it was somewhat late, I had negotiated in good faith throughout and decided that I could at least listen to them.

It was difficult to ascertain the real reason for the Administration's opposition to a full APA rule-making. The rationale shifted from concerns about time delays, to the desire to assure foreign policy immunity before our courts, to guaranteeing that at least one frequency could be selected, to allowing "classified" information to be used in selecting the frequency.

I was initially informed that the Administration opposed a full rule-making because it feared that it could become time-consuming—administratively and judicially in the event of a challenge. Notwithstanding the fact that out of courtesy I should have been informed prior to negotiation of their intentions to oppose a full rule-making procedure, I decided to work for a resolution of their concerns.

First, I pointed out that the administrative part could be expedited and conducted within 3 or 4 months. Second, if they followed the frequency selection criteria faithfully, there would be no grounds for a court challenge based upon an APA violation. In short, if they intended to honor the process to which they had agreed, there existed no reason to fear delay.

Nevertheless, I agreed to negotiate an amendment that would provide an expeditious process, but would retain the full APA rule-making protections. The amendment I offered satisfied the time considerations. It did, of course, retain the protections of a full rule-making. At that point, I was told that "time" was not the only problem. Now, the full rule-making protections were not satisfactory because they did not exclude foreign affairs functions from court review. It was becoming clearer what the Administration had in mind.

The frequency selection process, as established by the legislation, had nothing to do with foreign policy. This is the major reason why the House Commerce Committee developed this process, not the House Foreign Affairs Committee. The establishment of Radio Marti and the type of material broadcast may fall within the realm of foreign policy, but certainly not the simple adherence to a set of criteria to select a frequency. This is nothing more than a technical issue.

Eliminating the full rule-making protections would open the frequency selection process to a cursory review and allow the selection of almost any frequency desired with little consideration of the criteria imposed by Congress. If a broad caster challenged this selection in court, the Administration could simply plead "foreign policy" privilege and the court would refuse to hear the case.

Since the Administration could offer no legitimate counter to the argument that a frequency selection was not a foreign policy issue, their concerns then shifted to the unlikely possibility that there may not exist a single frequency that could fit these criteria. This certainly was not my intention, so I offered to work on an amendment that would guarantee at least one eligible frequency.

At this point, I was "reminded" of the purpose behind the compromise amendment—that it was aimed at providing the Administration the flexibility to shift Radio Marti's frequency away from 1040 kHz to another frequency. I was greatly intrigued by this revelation. This was the first, and last, time I had heard any desire from the Administration to shift the frequency from 1040 kHz.

Other high-ranking Administration officials had stated that we could not shift to another frequency because "we would lose face by submitting to Castro's blackmail." In fact, the initial letter of commitment I received from the Administration regarding the compromise contained a qualifier stating its support was "subject to the stipulation . . . explained." Since no stipulations had been discussed, I inquired about the meaning of this. I was informed that it meant that no assurances were given that a different frequency would be selected. I should have known something was wrong when I received a revised letter of commitment only minutes before Committee mark-up that offered only commitment to the "alternative language" when I had asked for specific commitment to that as well as to the "word and spirit of the new Radio Marti frequency selection process."

What was truly ironic was that they had apparently lost sight of the fact that I had stated from the beginning my concern was for all broadcasters, not just WHO Radio. The only reason I supported the compromise was that I felt that if the Administration followed the selection process faithfully, at least all broadcasters would be placed on even footing and would be provided minimal protections. It certainly did not assure anything for WHO Radio, and no one from the Administration ever indicated that it would. They would not even agree to language that would strengthen protections by making the selection criteria mandatory as opposed to permissive.

In any event, the next Administration suggestion following this revelation was that we turn to some of the alternatives that I had recommended in the first place months ago. I was astonished. The Administration had summarily dismissed these proposals earlier. Now they were suggesting they were acceptable! Unfortunately for them, another high-ranking official had indicated earlier that these original alternatives could serve as a "first step," that next year Congress could pass legislation to expand Radio Marti broadcasting authority to suit the initial designs.

I responded by pointing out that it was a little late to be offering these alternatives. I had offered them months ago in hopes of being of assistance, but regretably, the Administration was not interested. And even if I agreed at this late hour, there was serious question as to whether broadcasters, whose concerns had been repeatedly ignored, were ready to agree. Furthermore, there was certainly no guarantee that other Senators involved in the filibuster would be satisfied.

Consequently, I recommended that we remain on our course of trying to resolve our differences over the frequency selection process and that we develop an amendment that would satisfy the Administration's most recently stated concern about the possibility that no frequency would be available under the process.

There was no need for another meeting. Although I had been led to believe that the foreign policy privilege issue had been resolved, I was informed the next day that any rule-making that would not provide a foreign policy exclusion was unacceptable. I was also informed that the Administration would need an additional amendment to allow them to submit "classified" information for consideration with the frequency selection criteria. This information, obviously, would not be made available to the public, consequently tying the hands of any broadcaster who might be forced to defend its interests in court. At no time did the Administration offer to me an explanation of the nature of possible "classified" material that it might want to offer.

It is interesting to note that during our negotiations, rumors began circulating in the Senate that my concerns had been satisfied and that I was ready to support Radio Marti. Throughout these negotiations, I took great pains to make certain no one held any false impressions about my continued, unresolved concerns. These rumors obviously were concocted in hopes of breaking the filibuster.

I also learned that while I was meeting with Administration officials to resolve our differences over the APA protections, work was underway to establish during Senate floor debate that the frequency selection process should not be afforded the protections of a rule-making under the APA.

Radio Marti negotiations during the past few months have been no more forthright. While broadcasters worked in earnest with the Administration to find a solution to broadcasting concerns, efforts to circumvent this progress were in motion. Attempts were made to misrepresent the position of broadcasters and to undermine their credibility.

I attended a meeting at the White House called to discuss Radio Marti. We were told that the broadcasting concerns had been satisfied. Fortunately, I had just been on the phone with Eddie Fritts, President of the National Association of Broadcasters prior to the meeting. I was able to assure everyone that the fact of the matter was that broadcasters still had very serious problems with Radio Marti and that the Administration and Congress should be interested in hearing what these concerns are before pushing ahead with legislation.

Not everyone shared my desire to hear from the broadcasters. In fact, there was considerable effort expended during this time to discourage broadcasters from publicly stating their position. The longer broadcasters could be dissuaded from taking a public position, the more time proponents would have to secure the necessary support in Congress. As long as broadcasters could be kept silent through numerous enticements to remain at the bargaining table, there was less of a chance that anyone could counter the repeated, erroneous contentions that broadcasters had been given everything they wanted but that they kept shifting their position by asking for more when accommodations were offered.

One of the points made time and again is that present Radio Marti legislation gives broadcasters everything they supported last year as embodied in the alternatives that I proposed. These contentions distort and mislead. They attempt to discredit broadcasters and cloud the real issue.

There is no question that I offered alternatives last year, and I also offered what I viewed as good reasons why these alternatives were superior to that which was before Congress. Broadcasters also went on record stating these proposals represented a possible way of minimizing Radio Marti's potential for exacerbating the already intolerable Cuban interference problem, and they urged Congress to give serious consideration to these proposals.

The fact of the matter is that the Senate never did provide the necessary study of these proposals. And the principle reason little consideration was given was because of the strong opposition by the Administration and a few Senators. It's incredible now to find these same people who so vociferiously opposed the consideration of these alternatives to try to convince us that the legislation they now offer adequately resolves the concerns of broadcasters simply because it adopts some of the suggestions made last year.

Congress may not have given sufficient consideration to these proposals, but broadcasters have since had the time to thoroughly review each of these alternatives. Through this review, they have found that some of the alternatives present serious problems for broadcasters. Consequently, they have taken a position against certain ideas, but at the same time have made quite clear precisely what they do want.

But instead of squarely facing the serious problems related to Radio Marti, proponents find it easier to attack the credibility of broadcasters for what simply amounts to taking a strong stand in protecting their interests. It became abundantly clear that the Administration and Congress were not prepared to help sift through these options to find the best means of protecting broadcasters, so they were forced to do it themselves.

It is time to face reality. The key problem with Radio Marti is that it transforms our domestic broadcasting spectrum into a "chessboard" for foreign policy. It forces broadcasters and the American listening audience into the role of "pawns" to suffer the consequence of foreign policy maneuvering between the U.S. and Cuba. As with the Soviet grain embargo, any resulting harm will fall upon the private sector, not the government.

Government assurances that Cuba will not counter with interference have been proven meaningless. Cuba's August 30, 1982, response to the tuning of the facility intended for Radio Marti dismissed any questions as to the ability and willingness of Castro to engage in the U.S. sanctioned "chessgame" on our domestic broadcasting spectrum.

Assurances that the government holds several options to counter interference are equally insufficient. If these options are available and workable, they should have been implemented years ago to help the Florida broadcasters.

And broadcasting engineers inform me that there is little that an individual broadcaster can do to overcome interference. Our domestic spectrum is so saturated with signals that even minimal adjustments of power or direction can have severe effects on other broadcasters.

Broadcasters did not ask for this battle. They did not ask to be thrown into the middle of a foreign policy debate. But they were forced into it, and have rightfully fought for their interests, first by asking Congress to consider several alternatives, but then by identifying and fighting for their preferred option once it became clear that Congress would not adequately address their concerns.

The blame for any delays or defeat of Radio Marti must fall squarely upon its proponents. Had the proposal been handled properly in the first place, Radio Marti would be broadcasting today.

Had the accepted, traditional shortwave spectrum been recommended for Radio Marti, or the use of off-band frequencies, or even a simple expansion of Voice of America broadcasts, U.S. broadcasters would not have been forced into this debate. Unfortunately, this is not the case and now Congress must make the decision as to whether they want to protect broadcasting interests while at the same time support Radio Marti, or whether they want to support Radio Marti at all costs.

The CHAIRMAN. Thank you very much, Senator Grassley. Senator Pressler.

Senator PRESSLER. Thank you. I am a supporter for Radio Marti, having voted for it earlier. I think if it is managed correctly, it will be a very good thing. If we manage it poorly, it could be a disaster. But I am hopeful that we are going to see a very positive result.

But I wanted to ask the Florida Senators what interference do Florida broadcasters currently get from Cuba, if any?

Senator HAWKINS. If any? It is constant. We have been getting it for years and years and years. Nobody very receptive to that problem. I listened the other evening driving from Palm Beach to Fort Lauderdale and you hear Radio Nicaragua coming in just as clear a signal as possible. The driver was telling me what they were saying and, you know, it is clearer than the local radio station.

So we get it all the time. We have learned to accommodate it and, as I stated previously, and as Senator Chiles has indicated also in his testimony, it was a Florida problem and Floridians learned to tolerate it. The only way our broadcasters have overcome it is to hire a very expensive FCC attorney, come to Washington, get permission to have a stronger signal, taller towers, et cetera. So far, it has been a personal and a business expense which they have had to bear.

But we feel that this type of control in the broadcasting, which I know you are concerned about, too, Senator Pressler, is not a propaganda station, and it might even cut down on a lot of the interference that we have had for all these years.

Senator CHILES. Most of which you can hear at night on Florida stations is Cuba. Their stations, they built many powerful stations. They have not at all tried to confine themselves, to, you know, international assigned frequencies, and they allow their frequencies to lap over and to move onto frequencies that have long been the frequencies that were assigned under international standards to the Florida stations.

And this has been a problem in Florida, a constant problem, over the last 12 to 15 years.

Senator PRESSLER. Of course, to some extent that is probably a problem with any nations that are close together, I suppose. There is some overlap.

Senator CHILES. It would not be that kind of problem if Cuba followed the international provisions.

Senator PRESSLER. Which Cuba does not.

Senator CHILES. And also in regard to strengths and the wattage and everything else, the power that they put out.

Senator PRESSLER. So the point is Cuba is already not following international——

Senator CHILES. Absolutely.

Senator PRESSLER. But the broadcasters of Florida and the broadcasters of Iowa are both happy with this bill. Is that right?

Senator HAWKINS. The broadcasters of Florida that I have talked to support the bill now that we have the compensation amendment in it, and we have accommodated the fuller criterion that Senator Grassley had specifically mentioned in the bill last year. That is all incorporated into this bill.

I might state to the Senator and to the committee that I am not adverse—and I do not speak for Senator Chiles—I would not be adverse to specifying a 1180 kHz specifically.

Senator CHILES. I would be a little bit concerned about assigning that and locking that in as the only station that you should use. It still seems to me—and maybe I am wrong on this—but I really thought that the airways belonged to the people. I did not know that they belonged to the domestic broadcasters, and I thought that the Government assigned frequencies on the basis of what we thought was public policy.

It just seems like to me that is a pretty valid thing for our Government to have that kind of policy. And it also seems like in some ways every effort that we have made to accommodate, when we take care of this, well, how about taking care of this too. For every one we solve, we think up three more, including the thing that would be very nice to put in there, that the Government would pay for any interference from now and in the future for a loss of revenue, a loss not just of facilities but loss of revenue.

My goodness. There is no way in the world you can total up what those figures can be, and certainly not in regard to any responsibility of Radio Marti. So, you know, I think in some ways giving the broadcasters—they have some legitimate concerns, but here is a vehicle they can address all of their concerns on and take care of any problem that they would ever have in the future and also be able to have a pot of gold at the end of the rainbow if they ever could show any problems.

Senator **Pressler**. I agree with your remarks. I serve on the Communications Subcommittee of the Commerce Committee, and this indemnifying business has got me worried because these spectrums belong to the public and we just cannot make guarantees. You know, these licenses are for 5 years but there is a feeling concerning who they really belong to. But if we start indemnifying, there is going to be no end for the taxpayers.

I mean, the taxpayers have an interest in this too.

Senator **Chiles**. I think they do.

Senator **Hawkins**. I think we have been most accommodating. I want to testify before this committee I have never been this accommodating on anything.

Senator **Pressler**. One final question to my colleague, Senator Grassley. We have the Iowa broadcasters and the Palmer Group happy, is that right, with this bill?

Senator **Grassley**. I am just trying to think through my response to that. They would not be happy if, for instance, 1040 kHz were used for some other government purpose other than Radio Marti, and that ended up causing interference. But part of that concern can be resolved by amending the bill by putting 1180 kHz in and restricting the Government from using any other AM and FM frequency.

The extent to which it would satisfy WHO by itself, though, I think has to be looked at in the context that we should not do something that is going to hurt some other American broadcasting unit, AM-FM. That gets back to the main point of my statement, in which I stated that the foreign policy objectives ought to be conducted in a way so that it does not hurt the private interests of broadcasters any more than you and I would want the foreign policy objectives to hurt our farmers on the grain embargo.

Senator **Pressler**. Thank you, Mr. Chairman.

The **Chairman**. Thank you very much.

Senator Pell.

Senator **Pell**. I have a statement. I think I will wait until my colleagues are through and have left, and then I will make my statement.

The **Chairman**. Senator Zorinsky.

Senator **Zorinsky**. Mr. Chairman, just a few short months ago, we dealt with Radio Marti when it failed to come to a vote on the Senate floor during the lame duck session. Last year, as a principal opponent of Radio Marti, I said that I would be open to reaching some accommodation with the administration and Senate supporters of the Radio Marti concept which would reflect and satisfy the concerns of the broadcast industry. After reviewing the proposed legislation, I have to conclude that my opposition to Radio Marti remains as strong as ever. The administration and Senator Hawkins have made an effort, but I believe it falls far short of what the American broadcast industry believes will protect them from irreparable damage.

One of the options available in the new proposal still calls for Radio Marti to broadcast on the AM band. This not only is against international convention which reserve the AM band for domestic broadcasting, but will most certainly invite the Cuban retaliation which we talked so much about last year. Radio Marti will be responsible for interference with about 200 stations in 34 States because of the response from the super-stations Cuba is setting up. I will be very interested in hearing any updated assessment the witnesses from the broadcast industry might have on the damage American stations will suffer if Radio Marti gets on the air.

The question that we should be addressing here today is what can we do to avert a disastrous radio war. We should be looking for ways to settle this problem, not looking for ways to make it worse. The United States and Cuba should get back to the negotiating table to discuss the interference problem that has affected Cuban as well as U.S. broadcasting for the past 15 years. It is my understanding that the Cubans are ready to get back to serious discussions on the interference problem. I hope that we will be able to focus on this specific point during this hearing.

Among the points that I have made before is the fact that Radio Marti is going to prove an unnecessary expense to the already overburdened American taxpayer. Unnecessary, because the Cubans already receive Spanish language broadcasting from commercial stations in Florida as well as VOA and BBC broadcasts. Expensive, because in addition to the $14 million request for the establishment and operation of Radio Marti, the radio stations around the country are going to be forced to purchase millions of dollars in equipment in an attempt to neutralize the Cuban interference. That brings me to another problem I have with the proposed legislation; there is no compensation provided for the affected broadcasters. Even if compensation is written into this legislation, the figure will never be able to reach the level that the broadcasters will need. The U.S. taxpayer is not going to stand for that expensive proposition.

Senator Pell has proposed a solution by expanding the broadcast hours of the Voice of America. This would enable more broadcasts to be heard in Cuba without setting up a separate Radio Marti entity. Proponents of Radio Marti do not like this idea but I would ask them to seriously consider ways they might be able to reach an accommodation, with Senator Pell's amendment as its foundation.

We all have our differences over Radio Marti. We also all have the best interests of our country in mind. Radio Marti does not serve that interest. Let's look for a better way.

Senator Hawkins, I have not seen your new amendment with respect to Government indemnification for broadcasters and paying for those things that would need to be done to transmission facilities to reduce interference in the event it happened. Is there a cap on that?

Senator HAWKINS. $5 million.

Senator ZORINSKY. $5 million?

Senator HAWKINS. $5 million.

Senator ZORINSKY. $5 million total in the amendment.

Senator HAWKINS. I will get you a copy of it. We filed it today.

Senator ZORINSKY. Is this in keeping with what the National Association of Broadcasters believes would be required?

Senator HAWKINS. We worked with the Florida broadcasters who felt that was——

Senator ZORINSKY. Is this money only for Florida broadcasters?

Senator HAWKINS. No.

Senator ZORINSKY. This is nationwide?

Senator HAWKINS. That is true, and they would have to come and prove that they, indeed, had been interfered with, but we cannot judge that until it comes one-by-one.

Senator ZORINSKY. Of course, I am not a technician, but I understand from the conversations I have had with the NAB that it would be an astronomical figure that would be necessary and $5 million would maybe pay the transportation costs for some of this.

Senator HAWKINS. You know, we are all saying what if this happens. Castro is building his towers no matter what. The towers are on time. They are going up. They have two 500,000 megawatts—whatever they call it—and are ready to go. Now he is up to something.

And we can decide not to pass Radio Marti and all the stations will be jammed in the United States and they will get nothing, and maybe that is what should happen to open the eyes of the broadcasters who indeed have made a commercial venture out of the airways that belong to the people. That is a public convenience that they come and get, and it is of no value when they give it, but they sell it for millions and millions of dollars.

Senator ZORINSKY. What frightens me is that everybody agrees that the airwaves belong to the people except the Government. The Government thinks the airwaves belong to them.

Senator HAWKINS. The Government gives it.

Senator ZORINSKY. The Government is the administrative body. When I sit at meetings and Government officials tell Bob Packwood, "find the soft spot of the NAB so that we can put some pressure on them," that indicates to me that those Government officials think the airwaves belong to them.

I have even heard Charles Wick make the comment that "we will teach them that those airwaves do not belong to them. They belong to us." Well, "us" is the people, not the Government.

Senator HAWKINS. We represent the people.

Senator ZORINSKY. It depends what side you are on in this controversy, obviously. I am concerned as much as you are about the amount of indemnification, and I agree with my colleague, Senator Grassley, that if we are going to start interferring in people's businesses and livelihoods the Government ought to bear the responsibility and the consequences. Private citizens are the ones that have an investment in those businesses, not the Government.

For instance, we should have indemnified all the farmers for the grain embargo. Then we would not be in the mess now with the PIK program. Tell me the business logic in giving away 5 billion bushels of surplus grain to keep farmers from growing 2 billion bushels of worthless grain. Show me a business that does that, and I will show you one that is going broke.

That is why I think if we are going to jump into the broadcasting business, then we have to insure, to the extent that we can, that nothing happens which results in confiscating an individual's business.

How familiar, Senator Hawkins, are you with CID, the Cuban Independiente y Democratica? Have you heard of it?

Senator HAWKINS. I have heard of it.

Senator ZORINSKY. A fellow named Huber Matos?

Senator HAWKINS. Whom I know.

Senator ZORINSKY. He seems to have many of the philosophies and ideals that all Cubans who have encouraged me to support Radio Marti have. His goal is to get the truth to the people of Cuba. CID seems to have a pretty powerful broadcasting facility as well as broad support from contributors.

He indicated the cost of his radio project is $3.5 million. He began transmitting in 1981, and he verifies your comment about 6 hours a day not being enough. They are broadcasting 14 hours a day, and he said most of the money was spent for acquisition and installation of radio equipment. The present operational cost per year is approxiately $0.75 million.

He indicates CID's radio transmissions are part of an overall strategy and not just an effort to broadcast to Cuba for the purpose of making censored information available to Cuban people. They believe that if in Cuba there is no freedom and respect for human rights, emphasis should be placed on uprooting the problem rather than on looking for halfway solutions.

He writes: "We also believe that throughout history it has been demonstrated that the dreams of some dedicated men become the realities of others. In human endeavors, what may be possible to one group of men may be seen as impossible to another."

CID wants to get the truth into Cuba. Matos is in exile. I guess he was in a Cuban prison, so he has as much reason as anyone to want to get the truth back to the Cuban people.

Since the last time the committee met on this subject, I have received a copy of a letter from a Priscilla B. Collins, chairman of the board of King Broadcasting Co., in the State of Washington, to Mr. Michael Rau of the NAB. Ms. Collins writes: "I had a most interesting time in Havana." This is dated February 4.

"Here are my notes as they pertain to the subject of radio. Friday, January 28 at Hotel Riviera between 11 and 11:30 p.m., I received clearly, broadcast in English, from the following stations on my small pocket transister radio, KAAY-Little Rock, Evangelist George Inman Soul Clinics; WHAS, an evangelical message from Pasadena; CBS in Chicago, News Radio, 78 WBBM; WGN in Chicago; WGBS in Miami, Mutual News; WSUN-Rochester-Syracuse; WERC-Birmingham, University of Alabama; WBT-Charlotte, North Carolina;" and so on.

Of course, I have got to admit I get Texas in Omaha, Nebr., too. But it is interesting that in just one evening there were that many radio stations coming in. The point I want to make here is that Cuba is not some pocket of total isolation with respect to the news and information received down there.

Senator Grassley, you made the comment that the adminstration indicated 40 different ways that they could retaliate in the event there was purposeful jamming of radio stations in the United States by Cuba. Was one of those bombing?

Senator **Grassley**. No, no. In fact, that statement was made at a meeting I think we had in September with people from down at the Executive Office Building. It included people from the National Security Council as well as the State Department. I asked for details, but I did not get any, nor have they been submitted to me since.

Senator **Zorinsky**. They just indicated there were 40 different retaliatory actions they could take?

Senator **Grassley**. Yes.

Senator **Chiles**. Now we have 41.

Senator **Zorinsky**. I have another witness who has been told that, so later on we might find out.

That is all I have to ask, Mr. Chairman, thank you.

The **Chairman**. Thank you very kindly.

Senator Pell.

Senator **Pell**. I did not want to burden my colleagues by hearing my monologue.

[Pause.]

Mr. Chairman, once again we find ourselves facing up to Radio Marti and I think it will be particularly interesting to hear the views not only of our colleagues, but of a diplomat who has been stationed there in the past and of the broadcast industry itself.

For my own part, those concerns were expressed on several occasions last year, and not only remain, but are reinforced. To my mind, not only is Radio Marti an ill-conceived idea, but will create more problems in the already full agenda between the United States and Cuba.

I think it is likely to become a loud propagandistic organ of the anti-Castro exile community with potential for repercussions ranging from giving anti-Castro elements inside Cuba false hope of direct support of the United States somewhat like we did with the Hungarians at the time of their revolution.

The other is the very real prospect that hundreds of thousands of discontented Cubans will arrive on these shores.

In pressing for the approval of Radio Marti, the administration is working also, counter to its stated purposes and objectives in the Central American and Caribbean regions. Lord knows, it is incongruous to advocate on the one hand a policy which says to keep the waters turbulent and, at the same time, say the United States is working for a peaceful political solution to the turmoil in the region.

A peaceful political solution in some way is going to have to involve the Cubans. Radio Marti is not the way to encourage the Cubans to cooperate.

Many times in the past, I have been critical of the administration's hardline aggressive policies toward Cuba. Signs and overtures from the Cubans that they would be willing to discuss differences, and the latest positive sign from the Cubans is directly related to Radio Marti.

The Cubans have made it clear that they would be willing to sit down and negotiate the radio interference problem which affects domestic Cuban broadcasts just as much as it affects U.S. broadcasts.

I will be anxious to hear from the NAB and other representatives of the broadcast industry about their feelings on this Cuban overture. I would think for certain the interference problem will remain if Radio Marti becomes a reality and the radio war begins in earnest.

And I ask if there should be any surprises that the Cubans are as hostile as they are when we recognize the fact that we mounted one major invasion, the Bay of Pigs—only the CIA knows how many minor invasions—and sought to strangle them economically and to assassinate their chief of government. And then we wonder why she is a little bit hostile, or very much hostile and spews forth the hate and anti-American propaganda that I think is very much at the base of our problems in Central America, particularly in El Salvador and Nicaragua.

At the appropriate time, I plan to offer an alternative approach that I think will satisfy those who want to broadcast to Cuba, but would not be a part of Radio Marti. I would suggest that the existing programs of VOA/Marathon Florida facilities be expanded to include programing to Cuba. Broadcasting on VOA's frequency as part of VOA would eliminate the concerns of U.S. broadcasters and might well avoid, in my view, a radio war.

More importantly, I believe the Cubans would not interfere with reception of broadcasts because they have considered that VOA is playing within the bounds of the rules of the game of international broadcasts.

As part of VOA, the program will be guaranteed to meet their high standards for accuracy and objectivity. Such programing is entirely consistent with the VOA charter as the Congressional Research Service study has observed.

To conclude, there are many ways to work out problems that are faced today between the United States and Cuba. I do not think Radio Marti is one of them, and I think what it will do is further exacerbate the relations between our two nations.

The CHAIRMAN. Thank you, Senator Pell, very much.

Secretary Enders? We have the pleasure of having once again before this committee to discuss this issue now in its revised form. Any statement you care to make we would be pleased to hear now.

STATEMENT OF HON. THOMAS O. ENDERS, ASSISTANT SECRETARY OF STATE FOR LATIN AMERICAN AFFAIRS

Ambassador ENDERS. Thank you very much, Mr. Chairman. It is a privilege to be able to testify on this subject again.

Since many of the points that I would make have been made by USIA and by other witnesses, let me submit my statement for the record and perhaps I could make a couple of remarks, not try to cover the whole range, but on issues that have come up here which are of importance.

I would like to start, if I could, where Senator Pell left off saying, if I understood you, Mr. Pell, that this you thought was somehow an aggressive action by the United States and this, it strikes me, is a fundamental misreading of the situation in the world and indeed of international law.

Article XIX of the Universal Declaration of Human Rights of 1949 declares—this is a quotation—"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Now, this is a very clear basis in international law for international broadcasting. The Communist bloc, for its part, seems to think it is a one-way street. They broadcast all over the world without interference, but they do not grant their own people the right to receive broadcasts without interference.

Look at what is happening in this hemisphere. The Soviets broadcast 322 hours of program per week and it broadcasts in English, in Creole, French, Esperanto/Spanish, Guarani/Spanish, Portuguese, Quechua, and other languages. The same is true for the People's Republic of China and seven Eastern European countries.

But Cuba is also very active. It broadcasts 275 hours per week to North America and the Caribbean, of which 38 hours are broadcast by "La Voz De Cuba." That compares with 85½ hours for the Voice of America.

I think that what that means quite clearly is that the Cubans, along with other Communist countries, allow themselves a right that they would deny to others. I do not see why we should accept that argument and accept the basis on which it is made.

Now, a great deal has been said in the course of these hearings about the existing pattern of interference and I think it is well agreed now that it goes back a long way. It goes back to the start of the Communist Government in Cuba. That government introduced a Soviet style form of transmission.

It did not care much about interference between its own radios. Above all, it did not use directional antennas. The result of that, along with high power, was substantial interference with our broadcasting.

We have made many attempts to negotiate this, and basically our negotiators have said,

> Let us tell you, Cuban broadcasters, how you can achieve your broadcasting ends, interfering less with each other and also interfering less with ourselves, the Canadians, the Mexicans, other broadcasters in the area.

These proposals have not been accepted. We have been looking around now, ever since the last failure, the rejection of our proposals by Cuba in November 1981, for a new opportunity to make these proposals and for an attempt to deal with the pressing matter of heavy Cuban interference in our broadcasting.

We have been receiving—and this coincides with what you say—we have been receiving some indications that Cuba might be prepared to discuss this issue in a multilateral forum, the International Telecommunications Union in particular. We would welcome that opportunity, and we are going to follow it up.

The word that was brought back by Senator Weicker after his last trip to Cuba would appear to confirm this.

But I should make clear that the foreign policy of the United States, the proposal for Radio Broadcasting to Cuba, would not be on the bargaining table any more than we would expect Cuba to put its "Voz De Cuba" on the bargaining table, part of a deal. We are talking about increasing communication and not about decreasing it.

I would like to make a remark about what Senator Zorinsky had to say. It is true you can hear a lot of American broadcasting stations in Havana—fewer, by the way, in the eastern half of the island where half the people are. But you can, indeed.

The purpose of the Radio Marti proposal, Senator Zorinsky, is not to just provide another radio station that can be heard throughout the island. It is not to duplicate the Voice of America, which can be heard throughout the island when it is broadcasting.

It is to provide a surrogate home service which is about Cuba, and not about Des Moines or about Miami. It is to tell the Cubans about themselves.

Now, we have been quite careful to keep that separate from the Voice of America service, that concept, just as we have in Eastern Europe.

Now, this brings me to the question of the attitude of American broadcasters and our efforts to accommodate their concerns. Senator Hawkins noted there has been a sustained effort between the National Association of Broadcasters and the administration to work out our differences.

The National Association of Broadcasters raised a number of objections to the last bill. I think that much of the controversy, of course, focused on the use of 1040 kHz. But it was broader than that.

So we sat down with them, and we tried to work out our differences, and we did make some progress. We said well, what about shortwave? Could we use shortwave? Would that disturb you?

No, that would not disturb them.

By the way, Senator Zorinsky, we are well aware of the claims of Hubert Matos, Jr. We are completely unable, as a government, to support the assertion his organization makes that there are a large number of shortwave receivers in Cuba.

On the contrary, all of the information that we have been able to collect most recently from the refugees suggests that that is not the case. It is very hard to prove things definitely about Cuba, since you cannot go there, but there is no evidence at all available to us to support that claim.

Well, shortwave is all right. We said, what about putting it outside the commercial AM band? Would that be all right?

Well, after some hesitation and that was agreed, although it was noted on both sides that the use of these frequencies off the commercial spectrum could involve a decrease in power and ability to reach the audience.

Third, we said what about the Government's leasing time on existing commercial AM stations? Well, the National Association of Broadcasters seemed to have doubts about that, and we could not quite agree on that one.

Well, finally, we said what about the use of existing frequencies that are assigned to the Government such as that which is assigned to the Voice of America operating out of Florida on 1180 kHz? There the National Association of Broadcasters said that they were concerned. They did not want to see the United States Government use this frequency for the broadcasting of Radio Marti, although they would permit the Voice of America to include, in its broadcasting, more material on Cuba.

Well, now, we thought about this and we came up with the proposal that we have given you, Mr. Chairman. We said to ourselves, let's abandon all of the commercial AM spectrum which was controversial in one way or another. Let's not use that. Let's confine our possible use of the AM spectrum commercially to the frequency which is already assigned to the U.S. Government under the existing procedures.

But we said to the National Association of Broadcasters, really, we do not see how you should try to tell the Congress and the administration and the people overall how a frequency already assigned to the Government should be used, whether it should be all used for the Voice of America or all for Radio Marti or whether it should be in some way shared. That should be really a Government decision.

The frequency has already been assigned to the Government, and exactly how it is used should be a decision taken by the administration and the Congress.

So we were not able to agree on that point, and I think that was the major stumbling block.

On the question of compensation, we offered to have discussion. That offer has not yet been followed up by the National Association of Broadcasters.

So I would say that we have gone as far as we responsibly could, or should, in meeting these concerns and have put forward to you a scaled-down bill, Mr. Chairman, that I very much hope will meet with the approval of the Senate and the House.

Too long there has been no internal accountability or check within Cuba, and the result has been unbridled Cuban aggressiveness in Africa and now in Central America, to the detriment of this country's interest and to the detriment of the Cuban people.

Thank you.

[Secretary Enders' prepared statement follows:]

PREPARED STATEMENT OF HON. THOMAS O. ENDERS

Mr. Chairman and members of the committee: Since I last appeared before this committee last year, little has changed within Cuban society.

The government there, an economic dwarf, still views itself as a foreign policy giant—an image derived from looking at itself through a distorted mirror held up by the Soviet Union.

The Cuban economy, organized in the familiar Soviet command model, has registered a general failure. A few statistics may be useful here. Despite growing Soviet assistance in sales of oil at low prices and the purchase of sugar at above market rates, the Soviet economic aid effort —which in 1982 ran nearly $4 billion—is more than one-quarter of Cuba's GNP. This is in addition to 66,000 tons of military equipment furnished free. And what has been the impact of all this on the Cuban people? Since 1959, the real income of the average Cuban has been nearly stagnant, and steadily falling relative to much of Latin America. Rationed food, rationed clothing, deteriorating housing, have all been the rule of the day.

Mr. Chairman, Cuba has for centuries been depending on trade, and on sugar. But since 1959, its already excessive dependence on sugar has actually increased and Cuba has exchanged a system of competitive trade with the West—and of favorable trade balances with the United States—for one of non-competitive exchange with the Communist world—dominated by unfavorable trade balances with the Soviet Union. There are many reasons for all this, but a glaring manpower statistic, if you will permit me to cite just a few more facts, may be helpful in understanding the situation more clearly. In 1958, the final year of Batista's reign, there were 46,000 men in the Cuban armed forces. In 1982, this number has grown to 225,000 Cubans under arms, excluding the militia, which numbers close to 500,000. Cuba has far and away the largest and most formidable armed forces of any of the developing countries in the Caribbean Basin. Indeed, in all of Latin America, only Brazil—with 12 times Cuba's population—has more men under arms.

And what does it do with this might? It's Cuba's greatest export around the world. Cuba maintains about 40 thousand soldiers in Africa, dominating two countries and serving as a surrogate there for the Soviet Union. In Central America, it plays a similar proxy role for the U.S.S.R. by seeking to unite the left in search of the violent overthrow of established government. In Nicaragua. alone, the Cubans maintain 2,000 military and security personnel, plus another 6,000 civilian "advisers." In fact, more than 70,000 Cubans are abroad on various "internationalist" missions, most of them military.

Most civilized countries of the world cannot overcommit such distorted proportions of their national resources to state interests abroad quite like this because the people force them to address their own concerns first. But not in Cuba. The people of this Caribbean island just 90 miles off of our shores have no way to hold their government accountable. For 24 years, they have been denied the basic tools of modern civilized society on which to make judgments—the free flow of reliable, uncensored information.

The proposal we discuss today—radio broadcasting to Cuba—is intended to address this situation. Cubans, like all peoples, yearn for the truth. Even Cuba's leaders rely on the Western press and wire services, the Voice of America and the BBC for factual, unbiased information about the world. But the VOA is mandated by the Congress to serve as a window on America, presenting official U.S. Government policy and projecting American society and institutions for foreign audiences.

Radio broadcasting to Cuba, on the other hand, will have a different mission. In the distinguished tradition of Radio Free Europe and Radio Liberty, it will be a surrogate "Home Service" for Cuba. It will tell the Cuban people the truth about their government's domestic mismanagement and its promotion of subversion and terrorism in this hemisphere and elsewhere around the globe. It will tell the Cuban people what these activities cost them and their children in terms of their own standard of living. Furthermore, it will correct the false image they have been given of Cuba's international reputation.

This is not the kind of programming that, under its charter from Congress, the VOA was established to conduct. It is certainly not the kind of program that can be provided by the privately owned Spanish language commercial radio stations in Southern Florida. Like all commercial radio stations, their programming is primarily geared to the listening tastes of their local audiences on which their advertising revenues are based.

The purpose of radio broadcasting to Cuba is not to incite rebellion, to topple the Cuban Government, or to make it less anti-American. RBC will be aimed not so much at the Cuban Government as at the Cuban people. We believe that by breaking the Cuban Government's control of information, we will help the Cuban people to question more closely their government's policies and thus hold their government more accountable for its actions and perhaps influence it to devote more time and resources to domestic concerns and less to international adventurism.

This administration believes that broadcasting to Cuba should be a high priority. In a meeting on February 22, 1983 with a bipartisan group of legislators, President Reagan stressed that the administration believes strongly that the Cuban people have a right to know what is going on in their country and about their country's activities around the world. We should no longer allow the Cuban Government to carry out, unchallenged, its irresponsible and costly subversive efforts abroad in conflict with U.S. interests without trying to promote some degree of accountability by the Cuban people. While we have undertaken such an effort in Eastern Europe and the Soviet Union through Radio Free Europe and Radio Liberty—both recognized by the Congress as deserving of continued support—it would be inexcusable for us any longer to ignore the need to make the same effort on our doorstep.

This is a peaceful foreign policy initiative, designed not to provoke a confrontation with Cuba, but to promote the free flow of ideas and truth that is now denied to the Cuban people by their own government. It is in keeping not only with the ideals of our own Constitution, but is also enshrined in article 19 of the Universal Declaration of Human Rights (1949) which declares: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The Communist bloc countries seem to believe that this declaration of human rights is a one-way street. They broadcast programs all over the world without interference, but do not grant their own people the right to listen without interference to foreign broadcasts. Here in this hemisphere, the Soviets broadcast 322 hours of program per week of which 108½ hours are in English. The U.S.S.R. also broadcasts to Latin America in Creole, French, Esperanto Spanish, Guarani/Spanish, Portuguese, Quechua, and other languages. The People's Republic of China broadcasts 123 hours weekly to this hemisphere, while 7 East European countries provide an additional 257 hours to Latin America and a further 200 hours for North America. Cuba does its share as well. It broadcasts 275 hours of programs per week to North America and the Caribbean, of which 38 hours are broadcast by "La Voz de Cuba" over two medium wave transmitters (one 1 kw and one 20 kw). Others from the Communist countries broadcasting to this hemisphere include North Korea and Vietnam. The hundreds of hours broadcast by these countries into our hemisphere contrasts sharply with the 85½ hours total broadcast by the VOA to this same area.

What does all this mean? It signifies clearly that the Communist bloc countries know and understand the strength and importance of radio broadcasts. They, along with us, understand that international radio broadcasting is the single most important communications medium for hundreds of millions of people. The new Soviet leader, Andropov, made this clear to Secretary Shultz in Moscow at the time of the Brezhnev funeral when he complained to the Secretary to do something about VOA (Western) broadcasts to the Soviet Union. Foreign Minister Gromyko also made that point to Vice President Bush. And Fidel Castro, himself, has made it clear that he does not like the idea of a Radio Free Europe-type service for his country. We can only conclude from his reaction that Cuba has something to hide, that the fiction the Cuban Government doles out to its people cannot grapple successfully with the truth.

This radio—like Radio Free Europe and Radio Liberty before it—is intended to earn its audience gradually through its special sensitivity to needs the state ignores. It will speak to young people of the sports and music they love. It will speak to adults of the great Cuban and Hispanic-American heritage they admire, which so often the state denigrates. And it will give news on which the Cuban listeners can rely.

We know that in Eastern Europe it took years for Radio Free Europe to earn an audience. Little by little that audience expanded. Radio Free Europe now has perhaps 70 percent of the Polish radio audience. Is there any doubt that the changes of the last decade could have occurred without that honest, trustworthy, humane outside contact?

Our proposal is thus to begin a sustained effort, over many years, to help the Cubans know more about their country, and thus to hold their government accountable in ways it is not now.

People say: Wouldn't it be better to negotiate with the Cubans; or it isn't like us to engage in propaganda; or Cuban countermeasures will hurt us too much.

We have tried to talk with Cuba in the past and it would be wrong to rule out trying again. But the record is daunting.

Let me review the record. In 1975, we made our first secret contacts, suggesting the exploration of ways to remove tension and hostility. Late in that year the Cubans sent troops into Angola. In 1977 we again started talking seriously to the Cubans, this time much more ambitiously, saying we wanted to create conditions in which the legacy of the past—the embargo and the political tension—could be overcome. In very high-level secret talks, our negotiators explored a series of steps with the eventual goal of removal of the embargo and full diplomatic relations in return for curbs on Cuban activities regarding Puerto Rico and a gradual withdrawal of the more than 20,000 Cuban troops from Angola. After all, the civil war was over. While we talked, Cuba went into Ethiopia.

Conversations continued. In mid-1978, Cuba launched upon a new aggressive strategy in Central America, uniting violent factions first in Nicaragua, then in El Salvador, then in Guatemala, committing them to the destruction of their established governments.

Talks went on. In 1980, Castro turned the desire of many of his countrymen to flee Cuba into a hostile act against the United States—the Mariel boatlift.

Often it is only prudent to talk to adversaries. Cuban officials, including President Castro, occasionally suggest that Cuba is willing to "talk" about the issues that divide us. This administration has had high-level contact with Cuban leaders to see whether there are areas of common interest.

But, in the end, what counts is not talk but action. And the record of U.S. talks with Cuba has produced little in the way of moderated action and we have concluded there is no real give in the Cuban position.

Recently, we have had indications that the Cubans may be willing to talk about radio interference. One such indication was given to Senator Weicker by Fidel Castro. We are prepared to talk to the Cubans about radio interference in an appropriate multilateral forum and we will include representatives of our broadcasting in any such contacts. But I would like to stress one point. In the past, the Cubans have used a series of pretexts to avoid any real give and take on this issue. No doubt they will endeavor to use radio broadcasting to Cuba as an impediment. We will not let this happen for two reasons—Cuban radio interference is a longstanding problem not caused by our plans to broadcast to Cuba; further, our plans are legal, non-confrontational and fully in accord with the principle of the free flow of information.

Others ask: Should we be associated with "propaganda?"

No, we should not. We will not succeed in attracting an audience in Cuba if we offer them propaganda. If there are false reports, the listeners will soon realize the reports are false. If false reports continue, they will turn off. Only by respecting its audience can a project like this succeed.

So it must be the creature of no political tendency, of no action group, of no vested interest. We have acquired experience—in Radio Free Europe and Radio Liberty—of how to do that, even though the beginnings were difficult.

Others say: Cuban interference will hurt us too much.

Well, Cuban interference is a problem, a serious problem, because international radio broadcasting is based on cooperation, but Cuba has chosen to act as an outlaw. But Cuba's lawlessness vastly pre-dates radio broadcasting to Cuba and will continue to exist in the future—with or without this new station. The Cubans refuse to use directional antennae, as we do, to protect others broadcasting on the same frequency. And they do not respect the decisions of the regional body that allocates frequencies. In short, the Cubans don't care if they interfere with broadcasters in other countries. They even interfere with their own broadcasting.

The problem of Cuban radio interference with U.S. AM radio stations is not a new problem, but one that we have lived with for some 20 years. It is closely linked to the steady expansion in Cuban broadcasting capabilities since Fidel Castro seized power and has its roots in the early 1960's when the Cuban Government began developing a network of high powered transmitters in the AM band without regard to possible interference with already existing stations in other countries. Interference with other broadcasting stations may not have been Cuba's intent, but it certainly was the result of its go-it-alone policy.

Prior to the Cuban Revolution of 1959, the United States and Cuba cooperated in sharing the airwaves in order to avoid interference with each other's stations. Every Cuban station of 10 kilowatts or more and most five kilowatt stations had directional antennas designed to protect AM stations in the United States and elsewhere. Use of these antennas was negotiated under the North American Regional Broadcasting Agreements (NARBA) of 1937 and 1950 which had been updated by change lists through 1958. Many U.S. broadcasting stations were directionalized as well, to protect Cuban stations.

When the new Communist Government of Cuba began putting new, higher powered stations on the air in the early 1960's, they did not bother with directional antennas. One result is that they live with a level of domestic radio interference between their own stations that we would find intolerable. This interference is not limited to Cuba, of course, but extends to the service areas of radio stations in neighboring countries, not only in the United States but in the Caribbean, Mexico and Central America as well.

Throughout the 1960's and 1970's Cuba completely transformed its AM broadcasting system in a flagrant violation of NARBA. This pattern was an early indication of Cuba's disregard for the NARBA and the regional agreement which it eventually walked away from in 1981. Although the total number of Cuban stations actually broadcasting never has reached the total of 173 authorized in 1958, the increase in power has been extraordinary. The increase is much more significant than the numbers alone would indicate because Cuba did not utilize directional antennas for any of its stations.

By 1979, Cuba announced plans which called for a still more massive increase in power and number of stations in their broadcasting networks. In fact, the

Cubans stated they planned to build two 500 kW stations, one 200 kW station, two 150 kW stations and 64 other stations having between 10 and 75 kW of power.

What is the relationship between Cuba's notification of plans for this massive build-up in power and interference and the administration's plans for radio broadcasting to Cuba? None. The Cuban plan announced in 1979 antedated by at least two years this administration's decision to establish radio broadcasting to Cuba and were developed at a time that the previous administration was trying to improve relations with Cuba. Clearly the climate of United States/Cuban relations or efforts to be conciliatory toward Cuba had no bearing on either the goals or the actions of the Government of Cuba. The Cuban radio build-up, and the interference it has caused U.S. broadcasters, began, as you can see, long before there was any discussion of radio broadcasting to Cuba. I might also point out that in January 1981 Cuba started rebroadcasting in the AM band Radio Moscow in English to North America, resulting in widespread interference in the south, northeast and midwest. This action also preceded administration plans to broadcast to Cuba by several months.

Because the plans for and threat of massive Cuban interference existed two years before radio broadcasting to Cuba was even announced, the two must be viewed as separate issues. The interference problem has existed and almost certainly will continue regardless of the administration's broadcasting plans. Nevertheless, Cuba has tried very hard to create a causal relationship between radio broadcasting to Cuba and its interference with AM radio stations in the United States. Last August 30 Cuba came on the air for four hours on six frequencies at the time of the congressional hearings on radio broadcasting to Cuba in an attempt to scare the American broadcasters into lobbying the Congress against the Radio Broadcasting to Cuba Act.

In Havana in April of 1981, before radio broadcasting to Cuba was announced, the Cubans told us that their two 500 kilowatt stations were in response to the VOA station at Marathon, Florida, transmitting on 1180 kHz. Now the blame is being transferred to the radio broadcasting to Cuba proposal and Cuba is saying that it has no problem with the Marathon station. Cuban rhetoric in response to the administration's plan for radio broadcasting to Cuba is, of course, hypocritical [they do three times more broadcasting (275 hours/week) to North America and the Caribbean than we do (VOA 85½ hours/week)] and unlike the VOA or the BBC, Cuban International broadcasts routinely advocate the violent overthrow of the governments of neighboring countries.

I mentioned earlier that the level of domestic radio interference in Cuba is considerably higher than we would find tolerable in the United States. This is not a problem in Cuba because it has transformed its broadcasting system from a North American system to a Soviet style system. By design, Cuba is not interested in secondary service area and, in fact, at the first session of the 1980 regional conference in Buenos Aires, Cuba tried to encourage small countries to vote against protection of the secondary service areas because in small countries nighttime secondary service is of little or no value. Cuba uses 20–30 mile service areas for its stations and repeats the same programing on different frequencies in cities and towns 50 or 60 miles away. This type of broadcasting system, which relies on groundwave services, is very durable and difficult to disrupt by outside interference. High powered Cuban stations do not play a major role in the Cuban domestic broadcasting system but are primarily intended for external broadcasts. What this means is that interference does not cause significant problems to Cuba.

It is important to understand the implications of the fact that the Cuban broadcasting system is designed so differently from ours. With Cuba free from the restrictions of the regional agreement and the NARBA which is flagrantly violated, there are few incentives for Cuba to resolve its interference problems with the United States and accommodate our concerns. We must recognize that we will not excite much interest from the Cubans by proposing a solution based upon how we would provide service in Cuba if we were designing their networks. When we met with the Cubans in August 1981, U.S. engineers reviewed the five national Cuban networks and showed the Cubans how they could redesign these networks, providing better coverage of their country with less domestic interference, and still provide protection to stations in the United States and other neighboring countries. The Cubans, while recognizing the merits of this approach, declined our suggestions stating that they would design and operate their networks as they determined best.

We do not know for certain what Cuba will do about radio broadcasting to Cuba. It is possible that the Castro regime may attempt to jam this radio service with low-powered stations situated in the main cities and towns of Cuba. This would badly interfere with reception of our radio program.

It is possible that Cuba may initiate counterbroadcasting. Castro himself has spoken of using a "Radio Lincoln" to beam his version of the truth to the American people. To this we say: Americans have nothing to fear from a competition of ideas.

It is also possible that Cuba may do nothing. The VOA has been directing broadcasts to Cuba for more than 20 years and Castro has rarely seriously tried to jam these broadcasts.

In short, we cannot say for certain just what Cuba may do in response to our proposal. What we can say is that we will not submit to blackmail. We can say that we will not allow the threat or the fear of illegal and unfriendly acts by the Castro regime to cow us into backing down from our commitment to the free flow of information and ideas to all the peoples of the world.

Last year, in the 97th Congress, a bill authorizing the creation of radio broadcasting to Cuba passed the House of Representatives with bipartisan support by an almost 2–1 margin and was reported favorably, also with bipartisan support, by this.

American broadcasters have had a number of concerns about the bill, primarily that the establishment of broadcasting to Cuba would result in an increase in longstanding Cuban interference with U.S. AM broadcasting. The administration did its utmost to reach a compromise that would accommodate broadcaster concerns as well as the national interest. However, in the end, the administration did not believe that all of the modifications requested by the National Association of Broadcasters could be accommodated consistent with the establishment of effective radio broadcasting to Cuba.

Nevertheless, we believe the bill sent forward to both Houses of Congress on February 24, which contains significant accommodations to the concerns of broadcasters, meets in almost all respects the provisions they have sought. In fact, most of the recommendations on broadcasting made by the National Association of Broadcasters in a letter dated November 16, 1982 to all members of the Senate have been incorporated in this bill. In that letter, the NAB suggested that if radio broadcasting to Cuba were authorized, the government should:

(1) Put Radio Marti at either end of the AM band outside of commercial radio frequencies; (2) operate Radio Marti on shortwave; (3) permit government leasing of airtime on existing commercial AM stations for Radio Marti; (4) allow Radio Marti to share the frequency now used by the Voice of America at its Marathon station; or (5) expand the operating hours and mandate of the Voice of America to include the kind of programming envisioned for Radio Marti.

We are prepared to work with the first four of these and have incorporated them into our proposal. The net result of these accommodations, which are very important to our AM commercial broadcasters, is not to establish a new station on the commercial portion of the AM band (535 kHz to 1605 kHz), other than possibly on 1180 kHz which has been allocated to and used by the Government for VOA broadcasting to Cuba for over 20 years. Although the accommodations made in this new bill are significant, the bill, which has already been introduced in the Senate, gives the administration the option necessary to ensure that radio broadcasting to Cuba would be done right.

All the information available to us indicates that the vast majority of Cuban radio listeners listen to the AM band. Indeed, that is the band used by the Cuban Government to reach the Cuban people. Cuba maintains an interlocking system of five national AM networks. Whatever other frequencies one might consider, use of the AM band is crucial in order to reach the largest possible number of Cubans. We believe that having the option of using 1180 kHz, plus leasing time on existing commercial AM stations will give us the basic tools to reach our target audience. The other options such as the upper and lower non-commercial portions of the AM band and shortwave could be used by the BIB to augment the basic coverage.

Broadcasters' concerns over Cuban interference with U.S. AM broadcasting are not new; this is a significant problem that has been growing over the past 15 years. The Cuban Government, in its efforts to defeat this bill, has sought to give the impression that interference would increase. The administration has stated repeatedly that this is a peaceful, legal, and non-confrontational foreign policy initiative in the national interest patterned after the successful model of Radio Free Europe and Radio Liberty. The administration believes that we should not allow our foreign policy to be determined by threats of the Cuban Government. We believe that the Congress and American broadcasters share that determination. Mr. Chairman, radio broadcasting to Cuba is designed to respond to a basic human need—the need to have access to information on events and policies that affect the lives of individuals. Freedom of information is what we are talking about here, a fundamental freedom recognized by every responsible individual and government in the world. This right, this freedom, has been consistently denied to the Cuban people since Castro came to power in 1959. Radio broadcasting to Cuba will help restore it.

Those of us who have lived in a Communist state will know just how much radio broadcasting to Cuba can affect the lives of Cubans. This is an opportunity to offer the Cuban people hope and the means to make informed judgments on the actions of their own government. For a people bottled up in a system of oppression which they did not seek and cannot remove, that can be precious.

Mr. Chairman, I will be pleased to answer any questions the committee might have regarding this request.

The CHAIRMAN. Thank you very much, Secretary Enders. Senator Pell and I must leave here at 12 noon to officiate as hosts of the 50th anniversary of Save the Children which the Vice President is going to address at a downtown hotel, so I will make my questions very brief and submit other questions for the record, so that possibly, hopefully, we can hear part of the next panel.

Do you have a reaction to Senator Hawkins' amendment to provide a $5 million pool to compensate broadcasters?

Ambassador ENDERS. We have not proposed a provision of that kind in the bill ourselves, because we are concerned somewhat about the precedential implications of it. Here, after all, we are dealing with a body of national law which provides a procedure for broadcasting abroad and the question as to whether such broadcasting will result in damage to individual current users is an extremely complicated one.

We would, however, be willing to defer to the judgment of the committee and the Congress if it was felt that the principle of compensation should be established in some form, provided it were clearly limited in terms of the liability.

The CHAIRMAN. Thank you.

Have you responded to offers from the International Telecommunications Union, Secretary-General Robert Richard Butler, when he has offered his good offices to mediate and resolve the interference problems between the United States and Cuba?

Ambassador ENDERS. Yes; we have, and we have encouraged him in the hopes that an exploratory meeting, could be set up at his earliest convenience, that would presumably take place in the summer, within the framework of the ITU.

The CHAIRMAN. Do you see a conflict in allocating the AM 1180 frequency of VOA/Marathon to Radio Marti? Does this not compromise VOA's purpose and have possible impact on VOA's reputation in the Caribbean region?

Ambassador ENDERS. Well, we continue to think, Mr. Chairman, that you should keep the VOA, international news and talking about the United States, very separate from the surrogate home radio function, just as it is in Eastern Europe. So whatever we do, we have got to demarcate this very clearly in order to protect the integrity of the VOA and of the new service proposed.

The **Chairman**. Finally, how do you anticipate the time on 1180 frequency will be divided between VOA/Marathon and Radio Marti?

Ambassador **Enders**. Well, we have not made any decisions on that. Indeed, we have not made a decision to use 1180 kHz at all for Radio Marti, provided authority is granted. The options are still very much open, Mr. Chairman.

The **Chairman**. Thank you very much.

Senator Pell.

Senator **Pell**. Thank you, Mr. Chairman.

I would agree with the Secretary that this is not, in itself, a hugely hostile, aggressive action, but it is one more notch up the ladder of vituperation between our two countries and what I would say exacerbates the situation between us, where in my mind we should be trying to normalize and tranquilize the situation.

So I ask you, why is it that we now feel that we should set up a Radio Marti? Is it because the level of Cuban hate and anti-Americanism violence that they spew forth is larger than it was 10 years ago? Is it because of a change in administration policy? Why now and not 5 or 10 years ago?

Ambassador **Enders**. I think it should have been done years ago, patterned after the radios set up to broadcast in Eastern Europe and the Soviet Union. You may be interested to know that the last administration came to the conclusion that radio broadcasting to Cuba would be desirable and studied a proposal to do so.

Of all the actions that can be taken in Cuban policy, this would appear to be most consistent with the purposes that you espouse, Senator Pell.

Senator **Pell**. But, as you know, if you will recall—what was it called, Swan Island or Swan Lake?

Ambassador **Enders**. Swan Island.

Senator **Pell**. Swan Island.

It did very much the same program and was dropped. What year was that, the mid-1960's or late-1960's?

Ambassador **Enders**. Yes; that was not a proposal of the type that we are now discussing. It was not like a Radio Free Europe. It was run clandestinely and it was not thought—we looked at the possibility of starting up a proposal of this kind and concluded the best way was to bring it out into the open and do it the way the Eastern European Radio was done.

Senator **Pell**. It was no more clandestine in its operation than was Radio Free Europe at the time. It was under the CIA umbrella and it was, I believe, ended. Do you remember what year it was that the Swan Island——

Ambassador **Enders**. I am sure one of my associates would remember. It was in the 1960's.

Senator **Pell**. I remember going through some of this argument at that time. One needs an institutional memory around here, I think.

In addition to that, we have the VOA's Cita Con Cuba program of Radio Marathon in the 1960's and 1970's. That also was dropped. Why was that dropped?

Ambassador ENDERS. That was dropped, to the best of my knowledge because of concern that it was not consistent with the charter of the VOA.

Senator PELL. But, as you know, that was open to argument and there is a study from the Library of Congress saying that it is consistent.

Now, the recommendation for this concept came out of—what is it called? The Santa Fe Group, the New Inter-American Policy in the 1980's.

I am wondering how much of a role in reinvigorating this idea—this is the third time around now, the third time around on it—how much of a role was played by the Committee of Santa Fe in reinvigorating this program?

Ambassador ENDERS. That was certainly one of the proposals made by the group. As I say, there were proposals that had been developed by the previous administration as well. That came from a number of directions.

Senator PELL. It is rather scary when you read one sentence here from that group. They say if propaganda fails, that is, Radio Marti or Swan Island or whatever you want, if propaganda fails "a war of national liberation against Castro must be launched."

I would hope the second part of that sentence is not a matter of current Government policy with regard to Radio Marti.

Ambassador ENDERS. No, it is not a matter of Government policy.

Senator PELL. It is a relief, although I note that two out of the five people who wrote it are presently in the Government, in the administration: Mr. Louis Tambs and Mr. Roger Fontaine, I believe, is on the National Security Council.

If you could leave the aside the problem of the VOA charter, and I realize an argument can be made in both directions, what other reasons would you have for not wanting to expand VOA broadcasting to do just what you want to do here?

Ambassador ENDERS. Well, you would have to change VOA considerably. For this purpose anyway, you would have to develop a special section knowledgeable about internal Cuban conditions and, in effect, constitute within VOA this home service. They do not have any home services other than that which refers to the United States in VOA.

You would have to do what we propose to do under this bill and plug it into VOA. It seems to us that there are lots of good policy reasons for not doing that.

The CHAIRMAN. Thank you very much, Senator Pell.

Senator Zorinsky.

Senator ZORINSKY. Mr. Chairman, I appreciate the opportunity to ask Ambassador Enders a couple of questions that I have.

Ambassador Enders, to set the record straight and in all fairness, I wanted to offset your comments in disagreement with CID with respect to how many short-wave radio sets are to be found in Cuba.

Senator Grassley's staff was informed that Mr. Matos of the CID got his information on the availability of short-wave receivers from the same Mariel refugees that you cite. Now, maybe it was not from exactly the same persons, but I understand that CID also received their information from Mariel refugees and relayed that to the Congressional Research Service which, in turn, gave that information to Senator Grassley's staff.

So maybe it depends on how you ask a question, and on whether you want to hear a positive answer or a negative answer.

I did want to put in the record my understanding that Mariel refugees are the ones that gave this information.

Ambassador ENDERS. Senator Zorinsky, I will check, but I believe the reference, the information that I am referring to, was the basis for a general debriefing for a sample of Mariel refugees as they came out of Cuba in 1980 rather than a survey done specifically for the purpose of supporting the——

Senator ZORINSKY. Well, quite likely that was not the only question asked by the Congressional Research Service either.

The purpose of Radio Marti, you indicated, is unique in that it is to disseminate specific information dealing with Cuba rather than the standings of the National League or the American League, or things of that nature. Is this the reason that the fiscal year 1984 budget for Radio Marti includes $39,000 for two soap operas?

Ambassador ENDERS. One of the things you want to do with a service of this kind is build up listenership. That is what we found in Eastern Europe. Over a period of years a very large listenership has been built in Eastern Europe and those programs include entertainment as well as news services.

So the answer is yes. You need that in order to build your listenership.

Senator ZORINSKY. Then how would that be different from composing a program and giving it to a Spanish-speaking radio station as a contract rather than spending all of this money on behalf of the taxpayers? Wouldn't you still be giving the same information to the Cuban people, the truth within Cuba?

Ambassador ENDERS. There will be a lot of individually run radios—the more the better, we hope—that broadcast to Cuba. Many of them will have a specific political point of view, or purpose, as they would in the United States, and we should allow the free play of information. But the purpose of this radio would not be to allow self-nominated persons to, in effect, provide this fundamental service but to try to provide it on as nonpartisan a basis, not with any special pleading for any individual group.

We have experience in this, Senator Zorinsky, as I think you know in Eastern Europe where perhaps in the beginning we did not follow those rules and we lost our listenership at the start. We were controversial. We were unreliable in some cases. In some cases maybe we were more than tendentious. There was some question as to whether we were not inflammatory.

We want to avoid all of those things in the case of Cuba, as we now do in the case of Eastern Europe, providing an absolutely reliable service with a high standard or probity. I do not see how you can just sort of pass this off to private individuals and expect that to be done. Everybody will have their own point of view.

Senator ZORINSKY. There are so many people indicating that broadcasting is currently taking place that I am wondering to what extent are we going to use tax dollars to provide redundancy.

Ambassador **Enders.** We should try to eliminate that.

Senator **Zorinsky.** You, yourself said that it is important, and I agree with you, that the Communist world has a much more sophisticated program, than we have ever dreamed of having, with respect to influencing people's minds and directing their views.

Do you agree that we should do all we can to crack the interior of any society that prevents its own people from being aware of the worldwide actions of their government? For instance, Cubans in Africa—one of the points made in support of Radio Marti is that the great majority of Cubans do not even know that their people are fighting in Africa.

Ambassador **Enders.** Absolutely right, sir.

Senator **Zorinsky.** Or with respect to any Communist nation that has this kind of attitude, you believe we should do what we can to disseminate information to that country?

Ambassador **Enders.** Yes, sir.

Senator **Zorinsky.** Would you support a similar radio station, say one called Radio Mao, for broadcasting into the People's Republic of China?

Ambassador **Enders.** I do not know. I have not looked at that. We do it for Eastern Europe as a whole.

Senator **Zorinsky.** I think we ought to be consistent. You just indicated you would support all that we can do to get the message into these places where the governments are withholding the truth from their people. Certainly, I do not think anyone can deny that in China there is a similar situation, maybe it is even more aggravated.

Ambassador **Enders.** I do not know enough about that situation to answer you.

Senator **Zorinsky.** We get less information from there than we do from Cuba.

Ambassador **Enders.** I do know that certainly the Communist Chinese broadcast on a very wide scale throughout the world, including the United States. Whether we should or not, I am really not capable of responding to you, Senator Zorinsky. I do not see how that affects the question of doing it in the case of Cuba.

Senator **Zorinsky.** Because the one thing that has been lacking, not only with this administration but all administrations, is a notion of the far-reaching, long-range goals of foreign policy and diplomacy. In other words, is this proposal just good for this country for 4 years, 5 years, then we will shut it down and jump someplace else, or is it part of an overall plan that makes sense?

For instance, Chuck Grassley indicated that the administration has told him 40 ways of retaliation for Cuban interference in the event Radio Marti precipitates that. Why have we not used those 40 ways? If there are that many ways to stop radio interference, why have we put up with interference for all of these years?

Ambassador **Enders.** I think there is a very general desire on the part of all Americans to avoid a radio war. The pattern of interference, as we have seen, that has grown up has, in some cases been the result of adopting a Soviet-style broadcasting system there. It may, or may not in some cases, have been a deliberate attempt to damage individual stations.

It is very hard to read the pattern that has come out of there, but should there be a deliberate attempt to damage individual stations in retaliation, in order to intimidate, or change American foreign policy, then obviously the question would be posed, what are we going to do about it, and the first thing you see when you look at Cuba is that it is a lot more vulnerable to interference than the United States is.

Senator ZORINSKY. I thought I heard the Senators from Florida indicate that this has been going on, but that it is an accepted way of life for many of the radio stations in Florida. Either it is intentional and has been going on, or it has not been intentional and has not been going on.

But it is very hard for me to understand where the line is being drawn. Do you believe that this is really intentional? Do you believe that stations are being jammed? The testimony indicated that they had been jammed for many years prior.

Ambassador ENDERS. Many have. The one in Florida has been jammed for 15 years. Actually jammed. In other cases, interference has been intermittent but increasing.

Senator ZORINSKY. I understand that the Voice of America currently reports and comments upon internal developments in Cuba and on Cuban interference in the affairs of other nations. Is that also your understanding?

Ambassador ENDERS. It does not devote its full time to events in Cuba, but Cuban interference in other nations is a major international topic on which it does comment. Cuban internal affairs, to the degree that they are world scale news, they do not do the kind of local, regional in-depth political gossip of angles on political action that is done on Eastern Europe. Not anything like it.

Senator ZORINSKY. I understand that Voice of America editorials strongly condemn the Soviet role in Cuba. Is that your understanding?

Ambassador ENDERS. That is correct.

Senator ZORINSKY. Mr. Ambassador, the VOA charter reads: "The VOA will serve as a consistently reliable, authoritative source of news. VOA news will be accurate, objective and comprehensive." Almost the identical language was applied to Radio Marti in last year's bill, and in the proposal before us currently.

Precisely what sort of information is intended to be broadcast to Cuba that would be contrary to the VOA charter?

Ambassador ENDERS. The distinction is not on this point. The distinction is on the level of attention to local social, political and economic affairs, and the level of political commentary on those. In both cases, the effort will be to achieve probity, but they are going to have quite a different focus.

Senator ZORINSKY. Mr. Chairman, I have no further questions.

The CHAIRMAN. Do you have other questions you would like to put in the record?

Senator ZORINSKY. Yes; if I might.

The CHAIRMAN. That would be very helpful. Thank you very much. Secretary Enders, we thank you very much, indeed.

Senator PELL. One point of information, Mr. Chairman. In connection with the termination of the VOA's Cita Con Cuba program I would like to insert in the record a telegram from Mr. Kehoe, Director of the USIA at the time, who said there is no charter problem; and who said the fact of the Cita Con Cuba termination bears no relationship to United States policy toward Cuba, which remains unchanged.

We planned to phase out Cita Con Cuba in order to use program time for general area programing. So I think that may be more of a factor than the charter argument, but I think it should be made a part of the record. I am not sure that Secretary Ender's view is correct, that it was a charter problem, or a question of changing administration focus as Mr. Kehoe suggested.

Thank you.

[The telegram referred to follows:]

[Telegram]

DECEMBER 4, 1974.

USIA–25962.
Subject: Infoguide re VOA program CITA CON CUBA.

1. December one VOA reduced Spanish language broadcasts to Latin America by two hours daily and Portuguese language broadcasts by one hour daily as budgetary measure. At same time long-planned phase out of VOA half hour program CITA CON CUBA took place, with this time slot becoming part of new two and one-half hour evening show entitled "BUENAS NOCHES AMERICA." Items formerly carried in CITA CON CUBA format will continue to be carried in new format and will continue to be beamed medium wave to Cuba and the Caribbean and short-wave to rest of Latin America.

2. Prestigious Bogota daily "El Tiempo" has interpreted this long-planned phase out of old format as indication of a new "soft line" for U.S. policy toward Cuba in editorial published December third. Similar erroneous interpretation may appear elsewhere in Latin America.

3. Fact is that "CITA CON CUBA" termination has no relationship to well known U.S. policy toward Cuba which remains unchanged. Beginning two years ago plan initiated to phase out "CITA CON CUBA" in order to use program time for general area programming. April 1, 1973 full hour CITA program was reduced to half hour and repeated following morning. July 1, 1974 half hour repeat broadcast in morning was dropped and time slot used to extend "BUENOS DIAS AMERICA." Final half hour dropped beginning December first as completion phase out initiated 1973.

4. Posts may wish use this information if question raised or if "El Tiempo" editorial cited locally.

KEOGH.

Mr. ENDERS. Thank you.

The CHAIRMAN. Thank you very much, Mr. Secretary.

If we could have the next witnesses come up as a final panel. First, Dr. Wayne Smith in the center seat, Senior Associate, Carnegie Endowment, and former head of the U.S. Interest Section, Havana, Cuba. And also joining him in a panel, Edward Fritts, president, National Association of Broadcasters; F. F. Mike Lynch, president, Empire Broadcasting in Wichita, Kans.; Matthew Leibowitz, general counsel, Florida Association of Broadcasters; Wayne Hudson, president of Plough Broadcasting, Memphis, Tenn.; Robert Engelhardt, vice president, Palmer Communications, Des Moines, Iowa.

Senator ZORINSKY. Mr. Chairman, as I understand, you have to leave.

The CHAIRMAN. We have to leave here in 10 minutes.

Senator ZORINSKY. Mr. Chairman, I have to leave 15 minutes after that. Inasmuch as the hearing notice indicates that the next panel, includes Dr. Wayne Smith himself and five others, many of whom have come a long way to testify, I do not think it is appropriate to crowd them into a short time period and to give them about 2 minutes each. I would suggest that we postpone these witnesses until a later date. I would like at least to have 2 or 3 hours with this panel.

The CHAIRMAN. I did not understand, Senator Zorinsky. I thought you were going to be able to replace me and chair the rest of the hearing.

Senator ZORINSKY. No; I was asked if I could replace you, period, not just for the rest of the hearing. No, sir. [Laughter.]

I might add, Mr. Chairman, there are many of our colleagues that I believe would like to be here to question this panel, but for various reasons are unable to attend today.

The CHAIRMAN. I would be able to get back here—I think Senator Pell and I both would be able to be back here about 2:15. I have to introduce a Federal judge at 2:15.

Senator ZORINSKY. Why do we not adjourn until 2:15?

The CHAIRMAN. Is there anyway you could stay a little longer until we can get one other Senator up to the panel? I think it is unfair to hold them over, because I think they have return plans. We will try to get Senator Dodd to come up or someone else then.

Let us see if we can make that effort then. Regretfully, we have been locked in for 6 months on this.

Senator ZORINSKY. That is all the more reason that we should all be here for this hearing if we have been locked in for 6 months. The witnesses have made it here. I am sure we all should have been, too.

The CHAIRMAN. If we could proceed then.

Dr. Smith.

STATEMENT OF WAYNE S. SMITH, SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Mr. SMITH. Yes, Mr. Chairman. I appreciate the opportunity to be here. In the interest of time, I will not read my statement. It has been submitted, and I hope it will be placed in the record.

I will make a few comments which I hope will summarize it and comment on some of the remarks that have been made this morning.

The CHAIRMAN. Thank you very much.

Mr. SMITH. First, I would like to reiterate that in my view Radio Marti is unnecessary. Those who advocate this step maintain the Cuban people have no alternatives to their own government's propaganda, that they can only hear what Castro and the Soviets tell them.

This in fact is not accurate. As you go across the radio dial in Havana, about 50 percent of the stations that you pick up are American stations, including the VOA in Spanish.

Now, it is true that there are fewer stations heard at the eastern end of the island, fewer American stations, but they get Jamaica which is only 65 miles away. And through these alternatives the Cuban people are already aware that their government has troops in Angola, Ethiopia and so forth. This is not a secret to them.

It may, however, be a good idea to increase the amount of news provided and commentary, to give commentary specifically tailored to the Cuban audience. But the way to do that is via the VOA which is already widely heard in Cuba, has an established listenership and credibility. And there is no reason at all that this cannot be done.

Senator Hawkins has indicated the VOA broadcasts only 5½ or 6 hours a day. I see no reason that that could not be augmented. Why not? And the Cita Con Cuba program was specifically for the Cuban audience. That did not in any way violate the charter, and it was not dropped because it was inconsistent with the charter. There is no reason at all that it could not be resuscitated and perhaps expanded to several hours a day.

Senator PELL. Why was it dropped?

Mr. SMITH. It was my understanding that it was dropped because it was felt that it had outlived its usefulness. I would not comment on the validity of that, but I think that was a consideration at the time.

In any event, there is no reason at all that the VOA could not be used, and I would like to emphasize that when I say via the Voice of America, I mean by the VOA using its time-tested and proven guidelines for responsibility and accuracy.

The proposal of the administration to use VOA frequencies and facilities I do not think in any way addresses that problem. We are still talking about a new entity with new and untested guidelines and sources. Certainly it does not address the problem of retaliation.

By the way, I know of no project of the previous administration's to establish a radio station. During the last administration there was an amendment to the State Department appropriations bill, it was attached in the Senate, and when I asked about it from Havana, I was told that it was considered unnecessary, and no one had the slightest intention of implementing that amendment.

But when I raise the problem of retaliation, I would like to emphasize strongly that in my view Radio Marti should be rejected on its own merits. It is unnecessary. I do not think the administration has established any need for Radio Marti at all. Since they say, as a change from last year when they did maintain that it was inconsistent with the charter, they now acknowledge that it is not, so there is no real need for Radio Marti.

It is unnecessary, it might be counterproductive, and it would represent an unnecessary expense, and we certainly do not need that. It is, in short, a bad idea and on that basis should be rejected.

But it is also a bad idea that can be very costly, and I think it is only prudent always to weigh cost and risks against possible gains. Now, this matter of radio broadcasting is already a two-way street. With respect to Cuba we have Voice of America, and they have Radio Havana. If they broadcast more hours than we do, then why not increase the number of hours that we broadcast on VOA? But rightly or wrongly, the Cubans consider Radio Marti to be part of a broad destabilization effort against them, and I have heard it discussed in such terms in this town also. In other words, they consider it a hostile act, and they will retaliate. And they do have the capability of massively disrupting commercial radio broadcasting in the United States.

Private radio broadcasters should not have to bear the cost. I think that should be borne by the U.S. Government since this is an action undertaken by the U.S. Government. And it will be very expensive. Five million dollars I do not think would even begin to do it.

Now, it seems to me that we could have it both ways. We could provide to the Cuban people the kind of information the administration says it wants to provide on the VOA, and we could at the same time resume talks with the Cubans to solve once and for all the problem of radio interference, our interference on one another's radio channels.

To say that this interference would continue with or without Radio Marti is simply wrong. That is a longstanding problem. For many years Cubans were not in the least interested in avoiding interfering in our channels, nor I suppose we in theirs. So, yes; it is a problem which has gone on for years but which at last we were beginning to address.

We did have negotiations going on. I have talked to members of our delegation negotiating with the Cubans, and they indicated that the talks were going very well. Indeed, I cannot confirm this, but I was told by Mr. Wally Johnson, formerly of the FCC who was on the delegation, that the Cubans accepted the proposal that they use radio directional antenna but requested to purchase them from the United States, and that request was turned down.

In any event, the negotiations were going very well. We issued a communique indicating our satisfaction with the progress of those negotiations, and they were stopped because of Radio Marti. To say that we have been trying since November 1981 to make new proposals avoids the issue that the talks were halted because of Radio Marti. The Cubans have indicated on several occasions that they would resume the talks immediately were it not for Radio Marti and that they are convinced that the problem could be solved once and for all, and that they are even willing to factor into those negotiations the two so-called monster stations. So they could have increased broadcasting, and we could also solve this problem of radio interference were it not for Radio Marti, which is unnecessary anyway.

Finally, I would just like to say that—I would like to comment that since Mr. Enders says it is very difficult to prove or disapprove anything about what goes on inside Cuba, including how many shortwave radios they have, I think that is an excellent point. But that being the case, I wonder how Radio Marti is going to obtain, confirm, and validate enough information to be broadcasting 14 hours a day.

Thank you.

[Mr. Smith's prepared statement follows:]

PREPARED STATEMENT OF WAYNE S. SMITH

I appreciate the opportunity to appear before the committee today.

Many of my objections to Radio Marti have been outlined in op-ed pieces in the Washington Post and the Miami Herald. Rather than trying the patience of the committee by repeating them, I will attach the articles themselves to this statement.

Today, I simply wish to reiterate in the strongest terms that I remain convinced that to go ahead with this project would be a costly mistake. Radio Marti is unnecessary, is likely to accomplish little, if anything, of benefit to the United States, would be costly and could have most dangerous consequences.

It is unnecessary because, as has been pointed out over and over again, if the Administration really wanted to provide the Cuban people with accurate, objective and accurate information, there is no reason that that could not be done by the Voice of America. There is nothing in the VOA charter which says it can't, and, as has also been pointed out time and time again, the VOA for years had a program specifically for Cuba. It could again.

The Administration has never adequately explained why it cannot simply expand VOA broadcasting—except to say that it would be better not to (why?), and that VOA officials think it would be better to have two separate stations. Of course they say that! They had better, if they value their jobs!

One might almost say that the Administration's insistence on establishing Radio Marti rather than using VOA is prima facie evidence that its objectives are other than those it has announced. Providing accurate information is VOA's mission. Strident propaganda is not. Assistant Secretary of State Thomas O. Enders has insisted that the latter would be unworthy of us and likely to be counterproductive. I could not agree more. But, I submit, if providing accurate information rather than strident propaganda were indeed what is intended, then there is no need whatsoever for Radio Marti. One can only conclude that the Administration is not telling the straight of it, that Radio Marti will indeed get into strident propaganda and will be counterproductive—most decidedly so.

Another argument that has been advanced is that since we have RFE, we must also have its equivalent for Cuba. Such reasoning has always been strained. If we accepted it, we should also be moving to open a Radio North Korea, Radio Free China, Radio Cambodia, etc. The argument becomes even more strained in view of what is now happening at RFE itself. In its efforts to politicize the station and to push for more blatant propaganda, the Administration is wreaking havoc at the RFE. The President of RFE/RL, Inc., Glenn Ferguson, has resigned. The Director of the RFE Division, Jim Brown, has submitted his resignation. The Executive Vice President of RFE/RL, Ralph Walter, has been fired. The new directors, incredibly, propose to remove American oversight of the programmers, thus turning the emigres loose. If this is an argument, or model for Radio Marti, I don't think we want anything to do with it.

I, along with many other people, remain puzzled as to what the Administration hopes to accomplish with Radio Marti. Some spokesmen have insisted that it will "raise the cost to Castro of his aggressive foreign policy," thus, supposedly forcing him to moderate it. Nonsense. How raise the cost? If Radio Marti should become bothersome to Castro, he will simply jam it off the air. Cuba has the full capability to do this, and will, if Radio Marti is on medium wave. We will have gone to a lot of expense and courted dangerous consequences for nothing. Radio Marti may never be heard in Cuba. VOA is heard, as are many commercial stations. Indeed, as one goes across the radio dial in Havana, fully one half the stations picked up are American stations. What is the need then for Radio Marti?

Past experience, moreover, indicates that Castro is likely to react to this sort of action by becoming more rather than less obstreperous.

On the other hand, he has already several times indicated a strong interest in resolving our differences through dialogue. When Senator Lowell Weicker was in Havana last month, for example, Castro reviewed with him the whole range of contentious issues now standing between the two countries—everything from inadvertent interference in one another's radio channels to the civil war in El Salvador. He emphasized his willingness to discuss all these issues with the United States (though, of course, problem related to third countries could not, by definition, be "negotiated," only discussed)—and to do so with a constructive attitude and a will to contribute to solutions. The Administration has ignored this overturn, as it ignored or finessed previous ones. It insists that it has found Castro "unwilling to address our agenda." One can only conclude that this is said deliberately to mislead the U.S. Congress and public. Cuba is willing to address our agenda, a fact the Congress perhaps should explore for itself—indeed will have to if it wants a straight answer.

Thus, as I have noted previously, the question must be asked: why set up Radio Marti to achieve something that might better be pursued through negotiations? Worse, if we do the first, we may close off options to the second. Does that make any sense at all?

Finally, I would like to point out that this measure will not be cheap, nor without possibly very dangerous consequences. The Cubans are convinced that Radio Marti is part of a broad destabilization effort against them. They may well be right. In any event, they regard this as a hostile act and have already announced they will retaliate by deliberately interfering in our commercial radio channels. Again, they have the full capability to do this, even to the point of massively disrupting radio broadcasting in most parts of the United States. In other words, we will face a very costly radio war. Of this there is no doubt. And for what? For a bad idea! In order to establish a radio station for which there is no discernible need and which will almost certainly be counterproductive! I am an ex-Marine. I am, and I think most Americans are, always willing to fight for a sensible and just cause. But to take great risks, even risking armed conflict, for a project as poorly conceived, as downright silly, as Radio Marti, strikes me as the height of irresponsibility.

I have recently reviewed with much interest the recommendations of the so-called Sante Fe Committee, a group of ultra-conservative Americans interested in Latin American affairs who published a set of guidelines for a new hemispheric policy back in 1980. With respect to Cuba, the Administration has followed the Committee's recommendations to the letter. If it is able to establish Radio Marti, there will be only two recommendations left unfulfilled: (1) that we close the Interests Sections, and (2) that we launch a war of national liberation against Cuba.

Against this background, one can only wonder: what is it that Radio Marti is really supposed to lead us to?

We could have the best of both worlds, as it were, if we proceeded intelligently. We could provide more information to the Cuban people by augmenting VOA broadcasting—and by that, I mean broadcasting within the context of VOA, using its guidelines and criteria for accuracy and responsibility. At the same time, we could, if we wished, resume negotiations with the Cubans to solve once and for all the problem of inadvertent interference in one another's radio channels. The Cubans have made it clear that they would stand ready to resume these talks at any time, were it not for Radio Marti. Those talks were broken off in the first place because of Radio Marti. Prior to its announcement in September of 1981, negotiations were proceeding satisfactorily and there was every hope of solving the problem. It could still be solved, were it not for this project.

It seems to me, then, that the choices are clear. We can go ahead and establish Radio Marti, even though there are better alternatives and even though it may never be heard in Cuba. If we do, we will have a radio war, or worse, on our hands. Or, we can augment radio broadcasting via the VOA and exercise the option of resuming talks on the long-standing problem of interference. It seems to me there is only one reasonable choice.

[From the Miami Herald, Feb. 15, 1983]

RADIO MARTI MERITS LITTLE CONSIDERATION

(By Wayne S. Smith [1])

The single argument repeated over and over again by Radio Marti advocates is that the Cuban people must be provided alternatives to their own government-controlled sources of news. But that is not the point.

The debate, which is again imminent in Congress, is not over whether they should have such alternatives. Indeed, they already have them. Many American radio stations, including the Voice of America (VOA), already are heard in Cuba. Even so, few Americans would have any fundamental objections to increasing broadcasts to Cuba. The debate, really, is over how best to go about it. When analyzed in that context, the argument for Radio Marti begins to fall apart.

Clearly, the quickest and most cost-effective way to expand broadcasting would be via the VOA. It already has the facilities and in Cuba, an established listenership. True, at the moment it has no programs specifically beamed at Cuba, but that could be remedied quickly.

For many years the VOA had such programs, and there is absolutely no reason why it could not again. The Administration has argued that the VOA, under its charter, cannot broadcast programs about and aimed at a particular country. The Administration wants to establish a separate station for Cuba, so it could be expected to say that.

The argument, however, happens not to be true. In August 1982, the conclusions of a review of the VOA charter conducted by the Legislative Research Service were presented to the Senate Foreign Relations Committee. Those conclusions were unequivocal: Nothing in the charter precludes the VOA from broadcasting programs for Cuba. Other independent reviews have reached the same conclusion.

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[1] Wayne S. Smith formerly headed the U.S. Interests Section in Havana. He now is a senior associate with the Carnegie Endowment for International Peace, Washington, D.C.

The Administration's other arguments in favor of Radio Marti are equally shallow. It has been said, for example, that because we have a Radio Free Europe, we must have its equivalent for Cuba. Why? By that reasoning, we also should set up a Radio Free North Korea, a Radio Free Vietnam, a Radio Free Albania, and so on, *ad infinitum*. American taxpayers quite justifiably might object to such profligacy.

The facts above notwithstanding, there are those who will ask: "Why not set up Radio Marti anyway? Maybe the VOA could do the job more quickly and economically. Even so. what is so wrong with setting up a second station?"

The answer to that is twofold. First, the VOA has long experience and time-tested guidelines. If it handled the broadcasts, we could be reasonably certain they would be accurate and resopnsible. Under a less-experienced station, who knows? It might not repeat every wild rumor on Flager Street, but certainly there would be a greater danger of tnat with Radio Marti than with the VOA. And as the Administration acknowledges, strident propaganda is usually counterproductive.

Second, the Administration's handling of the Radio Marti issue has raised deep suspicions as to what its purposes really are. If it were really so intent on getting more objective information to the Cuban people, might it not logically have been expected to take interim measures to do so? Has it, during its two years in office, given instructions to increase VOA commentaries on Cuba even while it worked to establish Radio Marti? Not at all. A careful monitoring of VOA broadcasts over the past two years shows no increase in attention to Cuba.

If the Administration is so interested in getting more information into Cuba, why in October 1981 did it halt on a technically the sending of American newspapers to Havana aboard the charter flights from Miami? It should want to get more newspapers in, not stop them. Blocking their entry was entirely inconsistent with the Administration's purported objectives. It can only abuse doubts regarding those claims.

On its own merits, then, Radio Marti should be rejected. There are better ways to augment broadcasting to Cuba, and the rather convoluted and devious manner in which the Administration has presented its arguments suggests that it understands that full well. The Administration wants Radio Marti for other reasons—which almost certainly have more to do with domestic political considerations than with Cuba. There is no reason the rest of us should foot the bill for that.

The question of Cuban interference on our commercial radio channels is not central to the argument against Radio Marti, but neither is it irrelevant. The Administration has tried to maintain that the two issues are entirely separate.

This, however, is patently false. The fact is that as of September 1981, negotiations looking to solve the interference problem were proceeding satisfactorily, and there were high hopes of a solution.

Those negotiations broke down over the issue of Radio Marti, and it is Radio Marti that blocks their resumption. As recently as last month, for example, Cuban representatives reiterated to private American citizens Havana's interest in resuscitating those talks.

Finally, while Radio Marti should not be passed or rejected on the basis of how Fidel Castro might retaliate, neither can that be ignored. Castro has said that he will respond to what he regards as a hostile act by deliberately interrupting U.S. commercial radio channels. Radio broadcasting throughout the United States would be affected, especially in the Southeastern states.

The Administration is obliged to advise the American people of that possibility. If it insists on going ahead with a bad idea, at the very least it should write a compulsory-compensation clause into the Radio Marti bill providing for the reimbursement of American broadcasters who sustain losses as a result of retaliatory Cuban interference. No one knows how high those losses might run, but certainly they would be at least in the range of $50 million to $100 million. Thus, the cost of Radio Marti would be not $17 million, but $67 million to $117 million.

For an Administration aiming to reduce the most staggering deficit in history, that is a lot to spend on a bad idea—especially when better options clearly are available.

[From the Washington Post, Aug. 18, 1982]

Why Start a Radio War?

(By Wayne S. Smith)

Few Americans would argue against the proposition that the Cuban people should have access to more objective information than that supplied by Fidel Castro's news services. The Reagan administration, however, has not made a convincing case for Radio Marti as the best means of providing that access. Further, if the United States is to assume the task of informing the Cuban people, the matter of costs, risks and benefits to the United States must be carefully weighed. The Reagan administration clearly has not done that. On the contrary, many of its arguments seem to flow from a complete ignorance, or misreading, of Cuban reality. The more I have heard of the administration's case, the more convinced I have become that it is leading us toward a step that is unnecessary and may be sharply counterproductive.

Even without Radio Marti, the Cuban people are not without alternatives. As one goes across the radio dial in Havana, fully half the stations one picks up are American. The Voice of America comes in clearly all over the island on medium wave and has a wide listenership. If one wished to expand broadcasting to Cuba, the logical way to go would be through VOA. The administration, after all, says all it wants to do is to provide objective news and commentaries. That is what VOA's charter calls on it to do. Its credentials for accuracy are well established; hence, new programs would have immediate credibility. And if VOA were doing the broadcasting, American taxpayers could be certain the programs were truthful and carefully articulated.

Certainly the administration has not been able to explain exactly what it hopes to gain from Radio Marti (aside from the pleasure of broadcasting to Cuba). Evolutionary change has been suggested as one objective. But how that is supposed to work is difficult to understand, especially since, as the administration itself emphasizes, the Cuban people have little input in their government's decision-making process. Some senior spokesmen have said Radio Marti will raise the cost to Castro and thus force him to abandon his interventionist policies in Central America and Africa. Past experience, however, indicates Castro is likely to react by becoming more rather than less obstreperous.

On the other hand, he has already offered several times to begin serious negotiations and has emphasized that he is willing to discuss all issues, including Cuban activities in Central America and Africa. The United States has so far not taken him up on this offer. The question must therefore be asked: why set up Radio Marti to achieve something that might better be pursued through negotiations? Indeed, if we do the first, we may close off options to second.

There is no doubt as to how the Cubans will react to Radio Marti. They will jam it, but they will also begin deliberately to interfere with our commercial broadcasts, and on a massive scale. We may view this as an irrational and illegal response, but the Cubans see it as a matter of self-defense. Why? Because they see it against a background of past U.S. efforts to get at them--the Bay of Pigs, assassination attempts, clandestine CIA radio stations, etc. VOA is seen as part of the long-established rules of the games, as is Radio Havana. Radio Marti, however, is believed to be part of an aggressive effort at destabilization and will draw a strong reaction.

Senior State Department officials have insisted that Radio Marti and the problem of interference are unrelated. This is simply not true. The problem of interference is a longstanding one, in both countries. However, there were high hopes that continuing negotiations could neutralize the problem. Cuba pulled out of those negotiations as a direct result of our announcement of Radio Marti. Cuba has made it clear that, were it not for Radio Marti, it would wish to resume negotiations and would pledge a full effort to solve once and for all the problem of interference. The administration could have it both ways. It could augment radio broadcasting to Cuba through VOA, and it could also resume negotiations on interference.

Unfortunately, the administration seems determined to blunder ahead with Radio Marti. When the radio war is upon us, let the administration not claim to have had no part in provoking it. In the final analysis, however, the most compelling argument against Radio Marti is not Castro's strong reaction. We certainly cannot allow our actions to be circumscribed by his likes and dislikes. No—the strongest argument against Radio Marti is simply that it is a bad idea. It would do nothing to solve our Cuban problem. More likely, it would produce results exactly the opposite of those intended.

The CHAIRMAN. Thank you very much, Dr. Smith. We appreciate it.

We have a very distinguished audience this morning, and an added distinction has just walked into the room, one of the tallest men I know outside of my son-in-law, even including him.

Ambassador and Mrs. Galbraith, we are very happy to have you with us.

Senator Zorinsky, we have word that another Senator may come along. We think they will. So if you would take the chair, please.

I wish to thank the panel very much indeed. We will read with considerable interest your comments, and we deeply appreciate your being here. And we also are inviting back Senators Grassley, Chiles and Hawkins to hear you if we are able to locate them.

Thank you very much.

Senator ZORINSKY [presiding]. Dr. Smith, what was your connection with Cuba? What did you do down there?

Mr. SMITH. I was the chief of the U.S. interest section, in other words, the chief of the U.S. diplomatic mission in Cuba, for the last 3 years before I retired. Before that I was Director of Cuban Affairs in the Department of State.

Senator ZORINSKY. You would be the counterpart to Mr. Sanchez Parodi here in Washington?

Mr. SMITH. Yes; if you choose to put it that way.

Senator ZORINSKY. Were you able to detect a complete vacuum of news or timely information when you were down there?

Mr. SMITH. No; the Cuban news media certainly did not provide balanced, objective information, but since 50 percent of the stations that you can hear in Havana are American, including VOA in Spanish, and since you get other radio stations as well in various parts of the island, Mexican and Jamaican and so forth, and given that the system of rumors works extremely well, the person-to-person communications system works extremely well, Cubans by and large are aware of their government's activities abroad, and certainly they are aware of what goes on inside.

Senator ZORINSKY. Do they seek out, for instance, baseball games on the radio station and things of that nature that would appeal to them?

Mr. SMITH. Very much so. They are still very interested in American baseball and indeed in the American way of life—the World Series. They play baseball; so do we.

Senator ZORINSKY. What would be the tolerable amount of information a Cuban, assuming a total vacuum of other sources, could absorb through a news station such as the proposed Radio Marti? How many hours a day do you think? I know you have to have fillers like soap operas and baseball games.

Mr. SMITH. I wonder why you do, since they get that on other stations already. And I do not think that most Americans absorb more than about an hour or 2 hours of news, if that. Perhaps most Americans much less a day. I would say that the Cuban people themselves would not absorb more than that.

Senator **Zorinsky**. Would they have a way of gauging their prime listening time with regard to radios, like ours would be the commuting time in the morning and evening?

Mr. **Smith**. Yes; I think the prime time would be in the evenings, somewhere about let us say 7 or 8 until midnight. Cubans stay up late, and that would be the best time, and that is a time, to my knowledge, that is not used by VOA and could be augmented.

Senator **Zorinsky**. In your association with the Cuban people, did you find that they would sit with bated breath in front of the radio 24 hours a day trying to pick up every piece of information they possibly can. Is there that type of hunger for news?

Mr. **Smith**. No; they could not possibly. They have to work just like we do—much harder, in fact.

Senator **Zorinsky**. Thank you, Dr. Smith.

Mr. Fritts, do you have an opening statement you would like to give?

STATEMENT OF EDWARD O. FRITTS, PRESIDENT, NATIONAL ASSOCIATION OF BROADCASTERS

Mr. **Fritts**. Yes; I do, Senator. Thank you.

We have submitted our formal statement for the record, but I would like to make a few remarks.

The National Association of Broadcasters [NAB] represents 4,500 radio stations and all of the major commercial radio networks.

It is not the role of the NAB to argue for or against the political judgments which propel the Radio Marti proposal. Foreign policy is the province of the Government with shared responsibility between the Congress and the President. Our role more properly is to voice the concerns and anxieties of the broadcast industry about the possible consequences of this legislation and to explain why the National Association of Broadcasters opposes Senate bill 659 as it is now written.

Our position is grounded on two vital principles. The first is the need to preserve the AM broadcast spectrum exclusively for domestic broadcasting. The AM broadcast frequencies, under international and domestic regulations, are reserved for private commercial broadcasting.

Now, during the Cuban missile crisis NAB did not oppose the establishment of VOA on the AM band. We shared with all Americans the need to respond to the life-threatening challenge and security represented by Soviet missiles in Cuba.

The second principal focus is on the need to keep the AM spectrum free of interference from any source. Domestic interference and most interference from outside our borders has been eliminated through adherence to international and domestic technical standards. But there remains one major obstacle to this objective.

For more than 13 years American radio stations have suffered intolerable levels of radio interference emanating from the island of Cuba. On a number of recent occasions I have reiterated NAB's conviction that while interference from Cuba predated by many years the announcement of the Radio Marti proposal. Radio Marti would clearly exacerbate the existing interference problem and impede its resolution.

There is linkage, and it is the linkage that compels our opposition to S. 659.

Cuba cited Radio Marti as one of its two reasons for walking out of the 1981 Rio de Janerio Region II AM broadcasting conference. On August 30, 1982, Cuba directed a 4-hour Voice of Cuba broadcast directed at the United States and six frequencies in response to the Radio Marti proposal. Clearly, this action showed Cuba has the ability to deliver devastating interference to a wide range of stations practically nationwide on a variety of AM frequencies.

It is time to recognize that this Government is entangled in a political chess game with Cuba, and the pawns are the American broadcasters. We cannot win a radio war. Interference must be corrected at the source, not at the point of reception. Both the United States and Cuba must abide by this immutable law of nature.

What is the answer then? Is NAB advising that the United States bow to Castro's blackmail? Our answer is a clear and resounding no. But we ask the Government if it decides that there is a clear political imperative to establish a surrogate radio station, operate the station in a way which poses the least possible threat to American radio stations and their listening audiences.

If Radio Marti is established, it should be placed outside the AM band, either short wave or at either end of the band. In our view, however, the best solution is simply to expand the hours of VOA broadcasting to Cuba as an alternative to Radio Marti.

Our legal department has compared the stated purposes of the Radio Marti proposal with the provisions of the VOA charter and has found no contradiction of purposes. A report by the Congressional Research Service comes to the same conclusion.

Directing VOA to broadcast additional hours of programs is far less expensive, less provocative, and more easily supportable by our friends in the hemisphere. Additional hours of timely VOA news, commentaries and information tailored to Cuban tastes and interest is entirely feasible and appropriate.

VOA also reports and comments on Cuban internal and external excesses. It editorializes against Cuban interference in the affairs of other countries like Africa, far from Cuba. VOA commentary has vigorously condemned Castro's puppet role as a proxy for Soviet expansion. VOA already broadcasts these views and can do so more effectively if the resources are allocated and if it is so mandated.

We believe VOA can provide the additional programing to Cuba and at the same time remain faithful to its charter and its recognized journalistic standards.

Finally, there is one other matter of vital importance to broadcasters. Fairness dictates that radio stations suffering economic damage from Cuban interference be compensated for costs incurred and revenues lost. Therefore, any legislation that establishes a new radio broadcasting entity for surrogate broadcasts to a hostile Cuba should also include provisions of mandatory compensation to all victimized American broadcasters—present and future. This is only fair.

In closing, I would like to add one further note. The problems associated with the Radio Marti proposal have been the subject of frequent meetings between Assistant Secretary of State Tom Enders and myself. And we have tried to find a way to accommodate the Government's stated purpose for radio broadcasting to Cuba and the legitimate concerns of the radio broadcasting industry. And despite our best efforts we have not as yet succeeded, and perhaps it is because our interests are focused in different directions.

The administration's interests and intention are directed outward, toward Cuba and the many problems Castro represents. We must view the same matter from the perspective of its impact on the American broadcasting community. In a sense, NAB is like the Congress, firmly rooted to our local constituent interests. We, like you, are a mosaic of local communities. Because of your unique position, you are able to weigh the international issues in a manner that takes full account of the impact back home.

It is the Congress that represents the best forum to debate this question, to balance competing interest, and to resolve this problem. The administration has made a proposal, we have been granted the privilege of presenting our views directly to you. It is now time for you to decide. We thank you for the serious attention you are giving to the issue and offer to provide whatever help we can as you fashion a decision.

[Mr. Fritts' prepared statement follows:]

PREPARED STATEMENT OF EDWARD O. FRITTS

Mr. Chairman, my name is Edward O. Fritts. I am President of the National Association of Broadcasters. NAB represents over 4500 radio stations and the major commercial radio networks that serve this nation.

I am grateful for the opportunity to appear before you today to express the views of the broadcast industry on S. 659, the "Radio Broadcasting to Cuba Act."

It is not the role of the National Association of Broadcasters to argue for or against the political judgments that propel this pending legislation. Foreign policy is the province of government, with shared responsibility between Congress and the President.

Our role, more properly, is to voice the concerns and the anxieties of the broadcast industry about the possible consequences of this legislation, and to explain why the NAB opposes the Radio Marti bill as it is now written.

We have stated publicly, and in private meetings with Assistant Secretary of State Thomas O. Enders, that our position is grounded on two vital principles.

The first is the need to preserve the AM radio broadcast spectrum (535–1605 kilohertz (kHz)) exclusively for domestic broadcasting. As it is, the spectrum is already crowded. Because our system of AM allocations uses sophisticated directional antennas, there is little flexibiliy to adjust for the addition of new stations. It is unlikely that further government stations can be constructed without causing interference to existing signals. Moreover, the AM broadcast frequencies, according to International Telecommunications Regulation 423, the North American Regional Broadcast Agreement (NARBA), and Domestic FCC Rule 2.106, are reserved for private commercial broadcasting. NAB represents thousands of private licensees who are the custodians of these frequencies. They have provided generations of Americans with an unparalleled range of news, information, entertainment and education. Ours is a unique broadcasting system. Our Government has claimed no place on the dial for its own use—except in one single circumstance.

In response to the 1962 Cuban missile crisis, the Federal Government unilaterally, and with no prior consultation with our industry's representatives, allotted one AM frequency, 1180 kHz, on a temporary basis to the Voice of America (VOA) for broadcasts to Cuba. A medium wave transmitter and directional antenna were set up in Marathon Key, Florida for VOA. This facility, started in crisis with a temporary life expectancy, has continued to broadcast Spanish-language Voice of America programs to Cuba every single day for the past 20 years.

NAB did not oppose the establishment of VOA on the AM band. We shared with all Americans the need to respond to the life-threatening challenge to our security represented by Soviet missiles in Cuba. In fact, several American broadcasters actively cooperated with the government when it temporarily preempted their frequencies to assure VOA penetration into Cuba during those dangerous days.

Since then we have tolerated VOA's retention of the 1180 kHz frequency. But VOA's use of 1180 kHz is the limit of our acceptance of government broadcasting within the domestic AM or FM broadcast band. It is our firm position that the government must not intrude further and allot to itself additional frequencies either directly—by establishment of a new government station, or indirectly—through leasing from private radio stations.

I might add that we have had very recent indication of the fact that our fears about government encroachment on the domestic AM band are not idle. It came to light this month that the Defense Department had requested the use of the 1040 AM frequency for "classified projects" and planned to conduct its activities from a facility it secretly built last year in the Florida Keys. Only after several Senators inadvertently discovered the request and protested strongly did the Defense Departmnt drop its plans.

The second principle focuses on the need to keep the AM radio spectrum free of interference from any source. The rational management of the spectrum is the bedrock on which America's broadcasting industry was built. Internal interference and most interference from outside our borders has been eliminated through the establishment of and adherence to international and domestic technical standards. But there remains one major obstacle to this objective: For more than 15 years, American radio stations have suffered substantial levels of radio interference emanating from Cuba. This interference must be removed.

Unfortunately the resolution of this problem has been frustrated. The victimized stations have been subjected to increased operating costs and have had to invest tens of thousands of dollars in new equipment in order to mitigate lost audiences and revenues. Listeners have been unable to hear favorite stations upon whose service they have come to rely. This radio interference deserves an urgent response; yet the U.S. Government has done little or nothing to stop it.

On a number of recent occasions I have reiterated NAB's conviction that while interference from Cuba predated, by many years, the announcement of the Radio Marti proposal, Radio Marti would clearly exacerbate the existing interference problem and impede its resolution. There is a linkage, and it is that linkage that compels our opposition to S. 659 and H.R. 2453. Cuba cited Radio Marti as one of its two reasons for walking out of the 1981 Rio de Janeiro Region II AM broadcasting conference. In addition, Cuba announced at the same time that it would no longer abide by NARBA. By virtue of Cuba's withdrawal from this treaty, we cannot rely upon Cuba to respect the technical standards which coordinate frequency assignments and prevent interference in the AM band.

On August 30, 1982, Cuba directed four-hour "Voice of Cuba" broadcasts at the United States on 570, 620, 670, 1040, 1160, and 1380 kHz. This was Cuba's response to the Radio Marti proposal. NAB studies show that Castro is capable of causing far greater damage—supported by the fact that Cuba's inventory includes two 500 kilowatt (kW) transmitters with a power capacity ten times greater than the 50 kW power limitation permitted in the United States. In particular, the two 500 kW stations, operating in Cuba on 1040 kHz and 1160 kHz, would reduce the nighttime service area of two U.S. "clear channel" stations on those frequencies 99.65 percent in the first case, and 99.3 percent in the second. Further aggravating the problem is the fact that Cuba's failure to use directional antennas magnifies the interference. It is time to recognize that the government is entangled in a political chess game with Cuba—the pawns are American broadcasters.

The question is not whether the broadcasting industry advocates bowing to Castro's threats. We do not. Cuba has placed itself outside existing agreements and is an outlaw in the community of regional broadcasters, and serious steps must be taken to deal with its reprehensible actions. But care and prudence must determine our actions. We should avoid any perception by our neighbors that we are the ones provoking irrational Cuban actions which can create havoc on the radio dial from Florida to Canada. And we should make sure our actions will lead to a solution to the problem—and not exacerbate it.

I remind you that our intricate system of AM spectrum allocation, with its large number of directional antennas, has permitted a maximum number of licensees to operate without interference for decades. But this system also makes American broadcasters extremely vulnerable to deliberate interference from a hostile neighbor such as Cuba. This is a fact . . . an unfortunate fact, but an inescapable fact. We cannot win a radio war. Interference must be corrected at its source, not at the point of reception. Both the United States and Cuba must abide by this immutable law of nature.

What is the answer then? Is NAB advising that the United States bow to Castro's blackmail? Again our answer is a clear NO. But we ask that the government—if it decides there is a clear political imperative to establish a surrogate radio station—operate the station in a way that poses the least possible threat to American radio stations and their listening audiences. If Radio Marti is established, it should be placed outside the AM broadcast band.

Broadcasting adjacent to the AM band, at 1610 or 1630 kHz, is a feasible option. Our engineering studies have determined that 80 to 90 percent of all AM receivers in use can pick up these frequencies. Short wave broadcasts offer another alternative. We are aware that the number of short-wave sets in Cuba is limited, but the experiences of VOA, Radio Free Europe and Radio Liberty demonstrate that even the limited penetration of credible information results in wide dissemination in Communist societies through word-of-mouth communication.

In our view, however, the best solution is simply to expand the hours of VOA broadcasts to Cuba, as an alternative to Radio Marti. Our legal department has compared the stated purposes of a Radio Marti proposal with the provisions of the VOA Charter, and has found no contradiction of purposes. A report by the Congressional Research Service comes to the same conclusion. Directing VOA to broadcast additional hours of programs is far less expensive, less provocative, and more easily supportable by our friends in the hemisphere. Additional hours of timely VOA news, commentaries and information tailored to Cuban tastes and interests is entirely feasible and appropriate.

VOA already reports and comments on Cuban internal and external excesses. It editoralizes against Cuban interference in the affairs of other countries (like Africa), far from Cuba. VOA commentaries vigorously condemn Castro's puppet role as a proxy for Soviet expansionism. VOA already broadcasts these views and can more effectively do so if resources are allocated, and if it is so mandated. We believe VOA can provide the additional programming to Cuba and, at the same time, remain faithful to its Charter and its recognized journalistic standards.

But with any of these alternatives, we must have a real solution to Cuban interference. We urge that any Radio Marti legislation passed by Congress not ignore this fundamental problem and that it include a Congressional directive that decisive steps immediately be undertaken to solve it.

Our industry has been working closely with the State Department and the FCC on a solution to Cuban interference. After a period of government inaction, we are encouraged by recent signs of cooperation. The issue now appears to be receiving serious attention, and there is some reason for optimism that progress can be made. I must repeat again that the only effective solution is a negotiated settlement with the Cuban government on AM broadcasting standards. We can only hope that if the government decides to establish Radio Marti, it does so in a way that doesn't pose an unnecessary threat to successful negotiations.

Finally, there is one other matter of vital importance to broadcasters. Fairness dictates that radio stations suffering economic damage from Cuban interference be compensated for costs incurred and revenues lost. We warn that the interference problem can easily expand to stations across the entire United States. Therefore, any legislation that establishes a new radio broadcasting entity for surrogate broadcasts to a hostile Cuba, should also include provisions for mandatory compensation to all victimized American broadcasters—present and future. This is only fair. We have repeatedly cautioned the government about the risks. The government in turn should insure our members against possible losses resulting from Cuban retaliatory actions against this proposed American foreign policy initiative.

To summarize our position, NAB first opposes operation of Radio Marti as a separate entity on the AM broadcast band. In the alternative, we urge that VOA's hours be expanded to accommodate additional radio broadcasting to Cuba. Second, we ask that S. 659 include a statement directing the U.S. Department of State to undertake immediately substantive negotiations with Cuba. We also ask that S. 659 be amended to include provisions for mandatory compensation to U.S. broadcasters suffering interference from Cuba.

In closing, I'd like to add one further note. The problems associated with the Radio Marti proposal have been the subject of frequent meetings between Assistant Secretary of State Tom Enders and myself. We have tried to find a way to accommodate the government's stated purpose for radio broadcasting to Cuba and the legitimate concerns of the radio broadcasting industry. Despite our best efforts we have not as yet succeeded . . . and perhaps it is because our interests are focused in different directions.

The Administration's interests and intention are directed outward, toward Cuba and the many problems Castro represents. We must view the same matter from the perspective of its impact on the American broadcasting community. In a sense NAB is like the Congress, firmly rooted to our local constituent interests. We, like you, are a mosaic of local communities. Because of your unique position, you are able to weigh international issues in a manner that takes full account of their impact back home.

It is the Congress that represents the best forum to debate this question, to balance competing interests, and to resolve this problem. The Administration has made a proposal, we have been granted the privilege of presenting our views directly to you, and it is now for you to decide. We thank you for the serious attention you are giving to the issue and offer to provide whatever help we can as you fashion a decision.

Senator ZORINSKY. Thank you, Mr. Fritts.

I think it would be appropriate to go through the entire panel with opening statements, making any comments you would like before we ask questions. Then the entire panel can be dismissed at one time.

Mr. Hudson, would you like to continue?

STATEMENT OF H. WAYNE HUDSON, PRESIDENT, PLOUGH BROADCASTING CO., INC., MEMPHIS, TENN.

Mr. HUDSON. Thank you, Senator. I certainly appreciaate the opportunity to be here this afternoon to present our views on S. 659.

With your permission, I would like to submit my full statement for the record.

Senator ZORINSKY. Without objection, that will be done.

Mr. HUDSON. And I will summarize.

My name is H. Wayne Hudson, and I am president of Plough Broadcasting Co., the licensee of six AM and six FM radio stations. Our AM stations are WJJD, Chicago; WCAO, Baltimore; WMLX, Cincinnati; WKDJ in Memphis; WSUN, St. Petersburg, which is the station I would like to talk most about this afternoon; and WPLO in Atlanta.

I do again appreciate this opportunity to appear and describe our experience to date with Cuban interference to four of our six AM facilities and to express our views on S. 659.

We endorse the testimony of Mr. Fritts representing NAB. Plough has first-hand experience with Cuban interference stemming from the operation of our Florida station, WSUN, which is actually licensed to St. Petersburg-Tampa, and, to a lesser degree, from operation of WACO, our AM station in Baltimore, and WPLO in Atlanta.

We believe that enactment of S. 659 in its present form would increase the interference problems for listeners of Plough stations and hundreds of other stations across the country. Furthermore, it would undermine portions of our country's emergency broadcast system [EBS], of which WSUN is a part. WSUN is, I believe, what is called a primary one station for about one-sixth or one-seventh of the State of Florida for EBS.

We urge Congress not to create a separate Radio Marti entity which would aggravate the interference problem and make negotiations with the Cubans on radio band usage much more difficult, perhaps even impossible.

According to a National Association of Broadcasters study entitled "Cuban Interference to United States AM Broadcast Stations," full implementation of Cuba's AM station inventory would result in the following losses of nighttime service area for four of our six stations: Baltimore's WCAO would lose 47 percent of its nighttime service area; Chicago's WJJD could lose 53.6 percent of its nighttime coverage area; Atlanta, WPLO, 77.7 percent; and St. Petersburg-Tampa with WSUN, 82.1 percent.

For some time, WSUN, operating on 620 kilohertz with 5 kilowatts of power, has been the victim of Cuban interference, and the situation is getting worse. I must respond to what was said this morning about this being a longstanding problem. Our company has owned WSUN since 1973. Until a year and a half ago—and I have been president of the company now for 8 or 9 years—I had never heard Cuban interference mentioned. And the problem has certainly become a great deal worse since last August. So although we have been there for a long time, it certainly has not been a major item for WSUN. But until about the last year or year and a half, and especially in recent months, Cuban interference to WSUN has dramatically worsened.

Now most of WSUN's nighttime and some of its daytime service area is subject to interference from CMDA, the high-powered AM station at Colon, Cuba. This interference may preclude WSUN from fulfilling its role, as I said earlier, in the national emergency broadcast system designed to warn of national or local emergencies, and from providing its listeners with news, information and entertainment programs.

The interference to WSUN has become so severe recently that one week ago Plough asked the Federal Communications Commission to give WSUN special temporary authority to increase its power from 5 to 10 kilowatts. While we expect our request will eventually be granted, its approval must be coordinated with Mexico to assure interference problems are not created for Mexican stations.

However, this is really significant to us for even a doubling from 5 to 10 kW in the power of WSUN recovers only 15 percent of the station's lost service area, and there is no guarantee that people who stopped tuning to us because of interference would return after the power is increased.

It should also be noted that lots of stations, of course, do not have that opportunity which our engineers said that we have to double WSUN's power because of the need to protect other stations in this country. This is a very technical thing engineering-wise, and it is a very valid point, in my opinion, that there are lots of stations who will not be privileged to do what we did—apply for increased power—to try to offset some of the impact of Cuban interference.

The necessary engineering services and equipment associated with increasing WSUN's power from 5 kW to 10 kW are expected to cost $100,000—a rather high price when you consider the authority to operate at the higher power can only be temporary. This will be a temporary authorization we will be getting from the FCC. Many stations do not even have this partial remedy available, as I said, because power increases cannot be accomplished without causing objectionable interference to the neighboring stations.

Interference can only be solved, as Mr. Fritts noted earlier, at its source—in this case in Cuba. Directional antenna technology such as that which has enabled the expansion of AM broadcasting in the United States would enable Cuba to maximize the service of its stations in Cuba while minimizing interference both to Cuban stations and to those in neighboring countries.

Cuba use to employ directional antennas and day/night power shifts to protect the integrity of stations in the hemisphere. The public record demonstrates that Cuba ceased using directional antennas and began interfering with and jamming of United States stations after the United States activation of Radio Swan's broadcasts to Cuba and after the Cuban missile crisis and the start of Radio Marathon.

Significantly, prior to the announcement of Radio Marti, Cuba expressed interest in exploring directionalization. After the announcement, Cuban delegates walked out of the 1981 regional broadcasting conference in Rio, citing Radio Marti as one of the two reasons for doing so. On August 30, 1982, 20 days after the House passed the Radio Marti authorization bill in the last Congress, the "Voice of Cuba'' chose to broadcast on at least five AM frequencies, including one of ours, disrupting programing across the country. Cuba suggested this action was in response to the proposed establishment of Radio Marti.

It is clear then that Radio Marti, especially if it is not restricted to the single Voice of America AM frequency, 1180 kHz, would stifle any chance at meaningful radio interference negotiations with Cuba.

We also agree with our colleagues that the integrity of the AM and FM bands must be preserved for domestic service. We, therefore, for these reasons, oppose S. 659 in its present form.

Thank you very much.

[Mr. Hudson's prepared statement follows:]

PREPARED STATEMENT OF H. WAYNE HUDSON

Mr. Chairman and members of the committee: My name is H. Wayne Hudson and I am President of Plough Broadcasting Company, Inc., the licensee of six AM and six FM radio stations. I appreciate this opportunity to appear before you today to describe our experience with Cuban interference and to express our views on the proposal to broadcast to Cuba.

Plough's six AM radio stations are WJJD, Chicago; WCAO, Baltimore; WMLX, Cincinnati; WKDJ, Memphis; WSUN, St. Petersburg; and WPLO, Atlanta. Plough has first hand experience with the Cuban interference stemming from the operation of WSUN and, to a lesser degree, WCAO and WPLO. We believe that enactment of S. 659 in it present form will increase the interference problems of Plough's stations and hundreds of other stations across the country. Interference may well increase to the extent that it will threaten the service of a significant number of AM stations in this country. To avoid this, we urge Congress to direct the State Department to negotiate a solution to the interference problem with the Cubans. We also urge Congress not to create a separate Radio Marti entity which will make negotiations difficult, if not impossible, while aggravating the interference problem.

In its March 1, 1982 study entitled "Cuban Interference to United States AM Broadcast Stations," the National Association of Broadcasters analyzed the impact of Cuba's inventory of AM stations on the United States and concluded that more than 200 AM stations in 32 States and the District of Columbia "will experience interference and reduced listening areas should Cuba proceed with its proposed inventory. . . ." "The effect on the public [will be] an enormous loss of news, information and entertainment." Our experience at WSUN fully bears out the NAB's conclusions. According to the NAB's study, implementation of Cuba's AM station inventory will result in the following losses of night time service area for four of our six stations: WJJD—53.6 percent; WCAO—47 percent; WSUN—82.1 percent; and WPLO—77.7 percent.[1] Thus, Plough has a deep interest in any actions taken by the Administration and Congress which will cause an improvement or deterioration of the Cuban interference problem. It is our opinion that S. 659 will exacterbate the problem and prevent meaningful and overdue negotiations with Cuba over broadcast standards.

While Radio Marti proponents disclaim any linkage between that station and Cuban radio retaliation they nevertheless argued last year that even if American broadcasters are harmed by Cuban retaliation against Radio Marti, they could apply to the FCC for power increases and other technical modifications to offset interference. Not only are such technical responses imperfect solutions to the interference problem, but they are available to only a handful of U.S. stations.

The NAB's prediction of harm to WSUN, operating on 620 kHz, with 5 kilowatts of power, has proven all too accurate. For some time WSUN has been the victim of Cuban interference. Recently, the level of interference has increased to the point that it has devastated WSUN's continued ability to serve its listeners. Some of WSUN's normal daytime and most of its nighttime service area now is subject to interference from CMDA, a high powered station at Colon, Cuba. This interference has severely restricted WSUN's ability to provide a substantial number of persons with news, information and entertainment. And in an emergency situation, the station may not be able to provide essential emergency broadcast service.

The interference received by WSUN is so severe that on April 20, 1983, Plough asked the FCC to give WSUN Special Temporary Authority (STA) to increase its power from 5 to 10 kilowatts. However, even a doubling of WSUN's power will recover only 15 percent of the station's lost service area.

Such a small recovery occurs because the AM band is very crowded and, as a result, the nighttime patterns of stations have to be engineered very carefully to avoid interference to other stations. Because of statutory and treaty obligations, it is very difficult for a station to design more than a partial response to Cuban interference. We are confident that we have designed an acceptable response for WSUN although the STA request requires prior consultation by the FCC with Mexico. While WSUN is fortunate that it may have a partial solution for its interference problem, many, if not most, other U.S. AM stations will not be able to design acceptable responses.

Thus, WSUN's situation illustrates that facilities adjustments are not the shield against Cuban retaliation to Radio Marti. Even if the FCC approves WSUN's STA request, WSUN will be able to recover only a portion of its lost service area. And this partial recovery cannot guarantee that people who stopped tuning to WSUN because of interference will return after the power is increased. Nor are technical adjustments the solution to the interference problem. WSUN is fortunate that it is able to increase power to recover some of its losses without causing interference to other U.S. stations. Most U.S. broadcasters, however, will be unable to increase power without harming other United States and foreign stations. WSUN's situation illustrates the international impact that power increases may have on stations in friendly neighboring countries such as Mexico.

For Plough, Cuban interference means that WSUN is unable to serve its listeners in the manner to which they are accustomed and to which they are entitled. It is WSUN's problem today; it could be the problem of WJJD, WCAO, WPLO, WMLX and of hundreds of other AM stations tomorrow if Radio Marti, as proposed, is authorized by the Congress.

Plough agrees with the National Association of Broadcasters, therefore, that the only solution to the interference problem lies in meaningful radio negotiations with the Cuban Government. Interference can only be solved at its source—in Cuba—by convincing Cuba to utilize the same directional antenna technology that has so successfully permitted the expansion of AM broadcasting in the United States. This would enable Cuba to maximize the service of its stations within Cuba while minimizing interference both to their stations and to those in neighboring countries.

Significantly, prior to the announcement of Radio Marti in the fall of 1981, Cuba expressed its interest in exploring directionalization. It is interesting to note that prior to the Cuban Missile Crisis and the activation of Radio Marathon and Radio Swan, Cuba used directional antennas and day-night power shifts to protect the integrity of stations in the Hemisphere. The public record demonstrates, however, that Cuba ceased using directional antennas and began jamming and interfering with U.S. stations after the United States stepped up its broadcasting effort to Cuba in the mid-1960's.

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[1] WMPS was not analyzed by the NAB due to a data base error.

It is clear that Radio Marti, as presently embodied in S. 659, will stifle any chance at meaningful negotiations with Cuba. Cuba cited Radio Marti as one of the two reasons for its walkout from the 1981 regional broadcasting conference in Rio de Janeiro. Therefore, we urge the adoption of the NAB's position on Radio Marti. We agree with the NAB that there is no need for a new separate AM entity to broadcast to Cuba when the Voice of America's station, Radio Marathon, can be directed to increase its hours of operation and service to the Cuban public.

Of equal importance, the VOA can achieve Radio Marti's purpose without aggravating interference. In our view, it would be antagonistic to the interests of U.S. broadcasters for Congress to pass S. 659 in its present form. The creation of a new separate entity for broadcasting to Cuba rather than fully utilizing the existing AM facilities of the VOA's Cuba-only station, Radio Marathon, will exacerbate an already intolerable situation.

U.S. AM stations have increasingly become the innocent victims of Cuban interference in the last several years. There are firm indications that increased interference over the past year or so has been a political response by Cuba. In other words, American radio broadcasters and their listeners have been caught between the foreign policy differences of the United States and Cuban Governments. Those differences will sharpen with the activation of Radio Marti and with that sharpening will come even more interference. Therefore, if the Congress and the Administration insist on using the AM band for a separate Radio Marti which prompts more interference, American broadcasters should be able to look to the government for compensation both for the cost of improving their facilities to offset interference and for lost revenues. We estimate capital and engineering costs for doubling of WSUN's power to be approximately $100,000.

The costs involved in self-help from Cuban interference raises another problem. A temporary authorization from the FCC remains valid only as long as the interference remains. Over the past few years, Cuba has been almost whimsical in its use of the AM band, shifting frequencies and power levels without any particular pattern. Thus, a carefully designed proposal costing hundreds of thousands of dollars to design and construct may well represent a wasted effort if Cuba shifts the interfering stations to another frequency or significantly increases the power on the same frequency.

Plough agrees with the NAB and Palmer Communications Incorporated that government broadcast stations do not belong on either the AM or FM band. We recognize that Radio Marathon operates on 1180 kHz but the rest of the AM and FM frequencies must continue to be preserved for domestic service and must not be jeopardized by international broadcasts by government stations. While it is claimed that S. 659 restricts Radio Marti to 1180 kHz, nothing in the bill prevents Radio Marti from being placed on 1180 kHz and having Radio Marathon moved to the frequency of WJJD, WCAO, WMLX, WPLO, WSUN, WMPS, or any other AM or FM station in the country. Moreover, nothing in S. 659 prevents the Administration from randomly changing Radio Marathon to other AM frequencies. Further government intrusion into the AM or FM bands is such a serious threat to radio broadcasting that the Committee must adopt legislation to preclude the possibility of wholesale government use of non-government frequencies.

In conclusion, Mr. Chairman, Plough Broadcasting Company opposes S. 659 in its present form because it poses such a serious threat to the ability of American radio broadcasters to continue service to the American public. Beyond that, we believe our recent experience with WSUN demonstrates that facilities improvements are an inadequate solution to the Cuban interference problem. Plough urges prompt and meaningful negotiations with Cuba to resolve the problem at its source—the lack of directionalized antennas in Cuba and the operation of Cuban stations with unnecessarily high power. Because Plough believes that Radio Marti, as proposed, will prevent such negotiations, it urges the Committee to decline to create a new entity for broadcasting to Cuba on the AM band. The mission of Radio Marti can be more efficiently and economically and with less threat to the American broadcasting industry, be provided by directing the Voice of America to increase the hours and service of Radio Marathon. Unless and until the government undertakes meaningful negotiations with Cuba in an atmosphere free from the tensions of the proposed Radio Marti, however, broadcasters should be entitled to mandatory compensation for the costs of fighting Cuban interference.

Thank you, Mr. Chairman.

Senator ZORINSKY. Thank you, Mr. Hudson.

Mr. Lynch.

STATEMENT OF F. F. MIKE LYNCH, PRESIDENT, GREAT EMPIRE BROADCASTING, INC., WICHITA, KANS.

Mr. LYNCH. Our formal statement has been submitted for the record and I appreciate your listening to our brief summation here.

Mr. Chairman and members of the committee, my name is Mike Lynch and I am president of Great Empire Broadcasting, Inc. Seated behind me is Mike Oatman, the chief executive officer of our company.

Great Empire has its headquarters in Wichita, Kans., and owns 10 radio stations—KFDI AM and FM in Wichita; KYNN AM and FM in Omaha, Nebr.; KBRQ AM and FM in Denver, Colo.; KTTS AM and FM in Springfield, Mo.; and KWKH-AM and KROK-FM, Shreveport, La.

I am pleased to have this opportunity to express our views and concerns on the proposal to expand United States broadcasting to Cuba, known as Radio Marti.

The NAB's March 1, 1982 study, "Cuban Interference to United States AM Broadcasting Stations," is the focus of Great Empire's concern over Radio Marti. The study concluded that full implementation of Cuba's AM station inventory will cause station KWKH in Shreveport to lose 50 percent or more of its nighttime service area. By any standard, a 50-percent loss is both serious and dramatic and would threaten the continued viability of any business.

Our company is currently also negotiating the acquisition of Meredith Broadcasting's stations, WOW-AM in Omaha, Nebr., which operates on 590 kHz. WOW has already experienced Cuban interference and the NAB predicts a 50-percent nighttime service area loss if Cuba steps up its operation on WOW's frequency. Clearly, we at Great Empire are greatly interested in any proposed congressional action that will affect the Cuban radio interference problem.

Mr. Chairman, I would like to add Great Empire's voice to the chorus of NAB and broadcast company opinions your committee has been hearing today in opposition to S. 659. In our view, this bill would only serve to heighten tensions with Cuba and further complicate any already complicated international radio situation. Great Empire is not opposed to our Government broadcasting the truth to Cuban people. But what we are against is the specific mechanism proposed in S. 659, a separate Radio Marti operation.

Great Empire believes that the Voice of America's Radio Marathon facility can easily accommodate the objectives of Radio Marti in terms of hours of operation and program format. It seems to us a considerable waste of scarce public funds to create a new facility for Radio Marti when the job of broadcasting to Cuba can be done for less money simply by using the existing underused resources of Radio Marathon.

More importantly, and speaking as an experienced broadcaster, a separate Radio Marti operation is going to provoke Mr. Castro into responding and aggravating the already intolerable level of Cuban interference experienced by U.S. broadcasters. And quite frankly, the last thing our company wants, Mr. Chairman, is for Mr. Castro to cause more problems for the listeners to our stations.

Great Empire believes that if Mr. Reagan and Congress are serious about broadcasting into Cuba they should do it in a way that presents the best chance for it to be heard by the Cuban people and also lessens the risk of Cuba responding to Radio Marti by increased interference to United States broadcasters.

That way, in our view, is by using Radio Marathon. Radio Marathon already has a large and loyal audience, and its frequency rarely is jammed by Cuba. Why, therefore, do we need a new, separate radio facility for Radio Marti, especially when it is so likely to prompt vigorous Cuban response?

However, Mr. Chairman, if your committee chooses to establish a separate Radio Marti operation on an AM frequency, Great Empire strongly urges that S. 659 be amended to limit Radio Marti's AM operation to Radio Marathon's 1180 kHz and to include a provision for mandatory compensation for U.S. broadcasters. Such compensation should cover the cost for facility adjustments as well as a station's economic losses. If Great Empire and the other United States broadcasters have to bear the brunt of Cuba's retaliation to a separate Radio Marti operation, in all fairness we should be adequately compensated.

Thank you, Mr. Chairman.

[Mr. Oatman's prepared statement follows:]

PREPARED STATEMENT OF MICHAEL C. OATMAN

Mr. Chairman and Members of the Committee: My name is Mike Oatman and I am Chief Executive Officer of Great Empire Broadcasting, Inc. With me today is Mike Lynch, the President of our company. Great Empire has its headquarters in Wichita, Kans. and owns 10 radio stations: KFDI AM–FM, Wichita, Kans.; KYNN AM–FM, Omaha, Nebr.; KBRQ AM–FM, Denver, Colo.; KTTS AM–FM, Springfield, Mo.; and KWKH (AM), KROK (FM), Shreveport, La. In addition, we are negotiating to purchase WOW(AM), 590 kilohertz, Omaha, Nebr., from Meredith Broadcasting. I am pleased to have this opportunity to express our views and concerns on the proposal to expand U.S. broadcasting to Cuba, known as Radio Marti.

Great Empire agrees with broadcasters who appeared before you last year on H.R. 5427 and with our colleagues this morning that Radio Marti, as it presently is conceived, has the potential to inflict grave harm on our radio system. The NAB's March 1, 1982 study entitled "Cuban Interference To U.S. American Broadcasting Stations," is the focus of Great Empire's concern over Radio Marti and Cuba interference to U.S. AM stations.

The study concluded that full implementation of Cuba's proposed AM station inventory will result in serious interference problems for more than 200 stations in this country. In some cases, for example WNBC and WCBS, New York, WMAQ and WLS, Chicago, WHO, Des Moines, WJR, Detroit, KDKA, Pittsburgh and WWW, Cleveland, stations will lose more than 98 percent of their current service areas. For Great Empire, the NAB predicts station KWKH, Shreveport, will lose 50 percent or more of its nighttime service area. By any standard, 50 percent loss is serious and dramatic and threatens the continued viability of any business. As I indicated, we are currently negotiating the acquisition of Meredith Broadcasting's WOW(AM) in Omaha. WOW has experienced Cuban interference in the past, and the NAB predicts a 50 percent nighttime service area loss if Cuba steps up the operation of its two stations, CMCA, San Ant Vegas, and CMMA, Guatanama on WOW's frequency of 590 kilohertz. Cuba proposes to operate

CMCA with 150 kilowatts of power, three times the power of the strongest U.S. AM station and 30 times the power of WOW. Clearly, therefore, Great Empire is very interested in any proposed Administration or Congressional action, such as S. 659, which will aggravate the already serious Cuban radio interference problem.

Mr. Chairman, I would like to add Great Empire's voice to the chorus of NAB and broadcast company opinion your Committee has been hearing today and heard last year in opposition to Radio Marti as embodied in S. 659. In our view, a separate Radio Marti organization will only heighten tensions with Cuba and further complicate the already complicated and deteriorating international radio situation. Indeed, recent experience shows that broadcasters legitimately fear that S. 659 will prompt a radio war with Cuba, a war in which many U.S. broadcasters will be placed in grave jeopardy, and which will severely inhibit their ability to provide news, information, entertainment and emergency service to their listeners. I want to make clear that Great Empire is not opposed to our Government broadcasting the truth to the Cuban people. But what we do oppose is the specific mechanism proposed in S. 659—a separate Radio Marti operation on the AM band—because of its clear potential for threatening the service of a substantial number of U.S. stations.

Rather, Great Empire believes that the Voice of America's existing AM station, Radio Marathon, which operates with 50 kilowatts of power on 1180 kilohertz, can promptly and easily accommodate the objectives of Radio Marti in terms of hours of operation and program format. Radio Marathon employs a directional antenna which places its signal over Cuba. For some reason, however, the VOA operates the station for only a handful of hours each day. No business could justify the capital and operational expenses associated with Radio Marti when Radio Marathon is not only capable of providing the desired service but also available. Similar cost-benefit analysis should apply to the government. It seems to us a considerable waste of scarce public funds to create a new separate radio facility for Radio Marti when the task of broadcasting to the Cuban people can be done for far less money simply by using the underused resources of Radio Marathon. Boosting the hours of Radio Marathon would supplement the numerous radio signals available to the Cuban people from United States and other stations in the hemisphere as well as from the overseas services of the British and West German Governments.

Speaking as experienced broadcasters, Great Empire is convinced that a separate Radio Marti operation is going to provoke Mr. Castro into retaliating and aggravating the already intolerable levels of Cuban interference experienced by U.S. broadcasters. Cuba's broadcast of the "Voice of Cuba" on 570, 670, 1040, 1160 and 1380 kilohertz frequencies last August vividly document our concern and underscores just how vulnerable our carefully engineered but very crowded AM system is to deliberate interference. The level of interference to U.S. stations in August was measured both by the FCC and the numerous complaints received from listeners. Quite frankly, the last thing our company wants, Mr. Chairman, is for Mr. Castro to cause more problems for the listeners to our stations.

Great Empire believes that if the Administration and Congress are serious about broadcasting into Cuba, they should do it in a way that presents the best chance for the message to be heard by the Cuban people and also lessens the risks of Cuban retaliatory interference to U.S. broadcasters. That way, in our view, is by using Radio Marathon. Radio Marathon has a large existing loyal audience and is rarely jammed by Mr. Castro. Why do we need a new separate radio facility for Radio Marti, especially when it is so likely to prompt a vigorous Cuban response and when Radio Marathon operates only a few hours each day?

However, Mr. Chairman, if Congress decides that the political value of a separate Radio Marti entity on an AM frequency outweighs the harm to the industry and its millions of listeners, Great Empire strongly urges that S. 659 be amended to limit Radio Marti's AM operation to 1180 kilohertz. This is needed because S. 659, as written, includes in Section 3 sweeping authority permitting the government to seek the assignment of any AM frequency for Radio Marathon and, as a result, Radio Marti. Congress should make clear that the AM band has been, and remains, reserved for domestic service.

Great Empire also urges the inclusion of a provision for mandatory compensation for U.S. broadcasters harmed by Cuban interference. Such compensation should cover both the cost for facilities adjustments and stations' economic losses. If Great Empire and the other U.S. broadcasters have to bear the brunt of Cuban retaliation to a Radio Marti operation, in all fairness they should be adequately compensated when harmed. The provision in last year's bill, H.R. 5427, failed to provide broadcasters any such relief. The provision did not require compensation, it merely conferred discretionary authority for such payments. And most significantly, no funds were set aside for them.

Mr. Chairman, Great Empire appreciates this opportunity to participate in your Committee's consideration of S. 659.

Senator ZORINSKY. Thank you, Mr. Lynch.

Mr. Leibowitz.

STATEMENT OF MATTHEW L. LEIBOWITZ, GENERAL COUNSEL, FLORIDA ASSOCIATION OF BROADCASTERS, AND SPECIAL COUNSEL FOR THE SOUTH FLORIDA RADIO BROADCASTERS ASSOCIATION, MIAMI, FLA.

Mr. LEIBOWITZ. Thank you, Senator. My name is Matthew Leibowitz. I am general counsel to the South Florida Radio Broadcasters Association and I serve as special counsel to the Florida Association of Broadcasters. I will submit my full comments into the record, with your permission, sir.

Senator ZORINSKY. Without objection, they will be entered in their entirety.

Mr. LEIBOWITZ. In the interest of time, therefore, I will simply summarize my comments this afternoon.

Cuban radio interference, as you have heard this morning, is not new, Florida broadcasters were the first victims of this undeclared radio war, and we have been the victims of this war for the last two decades.

The alleged relationship between Radio Marti, as proposed, and Cuban radio interference is simply not supported by the factual record. During the negotiations that took place in Rio de Janeiro in the second session of the conference, Cuba was operating approximately 89 radio stations. Since that time, the Cuban Government has seen fit to implement many more stations.

At this time, according to the latest monitoring reports, both by the FCC and by outside monitoring sources, it is clear that there are approximately 150 radio stations on the air in Cuba today. These stations and the pattern of new stations demonstrate a clear relationship to the inventory Cuba proposed during the Rio negotiations, as modified by the proposed 48-station shift.

I would add at this point that the departure of the Cuban delegation from the negotiations in Rio has clearly been linked by members of the U.S. delegation not to Radio Marti but in fact to the denial of the conference to accept that 48-station shift, and I would refer to testimony by Mr. Helmut Schafer on that point.

With respect to the August 30 so-called show of force of the Cuban Government in putting on radio stations to interfere with U.S. broadcasters for the purpose of relating the Radio Marti proposal to Cuban radio interference, I would suggest to you that relationship is at best unclear too.

First of all, those stations that were placed on the air that night were previously included in the proposed inventory. Moreover, even in the absence of the Marti proposal being accepted by the United States, those stations have since been put in the air and in fact they are presently on the air tonight.

It is, therefore, clear that the Cuban Government, without regard to international diplomacy, without regard to United States concerns, is continuing to proceed to implement its proposal to expand its radio operations to approximately 180 stations, and approximately 60 of those stations will create substantial interference to the United States. The interference will be felt not only in Florida but throughout the country.

It is clear also that there is no simple answer to the Cuban radio interference problem. We need a long-term solution, and the solution can only be resolved through negotiations. We, therefore, support the attempts of the U.S. Government to solicit the ITU to establish negotiations with Cuba for the purpose of establishing a long-term solution.

But those negotiations must have limits. The United States should not allow negotiations to eliminate or substantially modify U.S. facilities that were established, built, and operated in conformance with an operative agreement which was agreed to both by the U.S. Government and by the Cuban Government.

However, it is necessary to seek interim solutions prior to the long-term resolution through negotiations. Many stations may simply not exist long enough for the final solution. Therefore, the Florida Broadcasters actively lobbied both the State Department and the FCC to seek an interim solution which has now been established as an STA [Special Temporary Authority] policy and conditional licenses. It is true that it is only a partial recovery of lost area, but some recovery of lost area is better than none.

It was also true that there is a substantial limit as to the number of stations that can receive benefits under this policy. While the NAB estimates that 200 to 300 U.S. stations will be affected by Cuban U.S. radio interference, it is also true that it is estimated that only 20 radio stations in the United States, some outside of Florida, would be able to take advantage of this STA or conditional license policy.

The Florida Broadcasters do believe that it is both appropriate and necessary to establish a mandatory facility compensation fund. Again, this would be limited in scope by virtue of the State Department's authorization and the FCC's restrictions on the STA conditional license. Our belief, based on actual experience, is that the $5 million will be sufficient for the purpose of facility compensation.

The Florida Broadcasters also believe that it is appropriate that the language in the bill presently before you should be clarified to specificially delineate 1180 kHz as the sole frequency.

In conclusion, the Florida Broadcasters support the Radio Marti proposal, as amended to include the $5 million mandatory facility compensation. Thank you.

[Mr. Leibowitz' prepared statement follows:]

PREPARED STATEMENT OF MATTHEW L. LEIBOWITZ

Mr. Chairman. Members of the Committee, my name is Matthew L. Leibowitz. I am the Special Counsel for the Florida Association of Broadcasters with respect to the Cuban Radio Interference Issue, and I am General Counsel for the South Florida Radio Broadcasters Association. In these capacities, I sit as a member on the NAB Cuban Task Force.

On behalf of the Florida Broadcasters, I would like to express my appreciation to you for providing us with this opportunity to discuss with you a severe problem that has faced United States AM radio stations for the past 20 years. The problem to which I refer is radio interference from Cuba.

AM broadcasting for this hemisphere was governed primarily by the North American Regional Broadcasting Agreement ("NARBA") which was ratified by the Senate on February 23, 1960.

Despite the fact that both the United States and Cuba were signatories to NARBA, Cuba violated this Agreement by broadcasting jamming signals for approximately the last 16 years to intentionally interfere with WQBA, Miami, Florida.

Approximately 7 years ago, Cuba initiated additional AM broadcast operations which created interference to other U.S. domestic stations, especially those located in South Florida, in violation of NARBA. In late 1980 Cuba officially abrogated NARBA.

Interference to United States broadcasters has intensified dramatically since then. During the Regional Administrative Medium Frequency Broadcasting Conference in 1981, Cuba had approximately 90 AM radio stations on the air. According to the latest monitoring reports there are approximately 150 AM stations on the air in Cuba today.

The dramatic increase in the number of Cuban AM radio stations appears to track the inventory of proposed stations that Cuba had submitted to the Conference, as modified by proposed shifts in 48 station assignments. Although the full Cuban inventory is not in place, and some of the stations are not yet operating at full power, the pattern is clear. The Cuban Government is proceeding to implement its AM radio plan without regard to the RARC Final Acts. The result is that interference to AM broadcasting in this country has increased substantially. This interference is now adversely affecting radio stations throughout the continental United States.

With respect to the Radio Marti proposal before you today, the Florida Broadcasters have some thoughts which are appropriate for discussion.

In the first instance, many have suggested that a Radio Marti operation would cause Cuban radio interference.

While it is true that the Cubans have implicated Radio Marti in the discussions of radio interference, it is also true that Castro proposed his 180-station inventory over a year prior to the first public discussion of the Radio Marti operation. Approximately one-third of this inventory as it originally was proposed, or 60 stations, would create interference to United States AM stations. In addition, after Radio Marti was announced, the Cubans participated in at least two discussions with U.S. representatives on the interference issue. Furthermore, as noted earlier, the increase in Cuban radio interference that we are now experiencing is merely a continuation of the process which began approximately 20 years ago. Thus, to suggest that Radio Marti will cause Cuban radio interference is at least, in part, putting the cart before the horse. It is our belief that with or without Radio Marti, the Cuban interference will continue to increase along the lines of the proposed Cuban inventory, as modified.

Opponents of the Marti proposal point to the night of August 30, 1982 as an example of what will happen if Radio Marti goes on the air. As you may recall, during the debate on the Marti proposal, the Cuban Government turned on six AM stations at high power and broadcast in English for several hours. This resulted in severe interference to U.S. stations on these frequencies. However, Castro proposed these very same stations before Radio Marti was publicly discussed, and they are now on the air full time even in the absence of Radio Marti.

The Florida broadcasters believe that a long-term solution to the Cuban interference problem must be found. We have no easy answer, but we believe that this solution can only be derived through negotiations with the Cuban Government under the auspices of the International Telecommunications Union. However, these negotiations must be entered into with clearly established parameters. It is unacceptable to require, as a result of these negotiations, any station to go off the air or to be modified in any substantial way if that station was constructed and operated in conformance with the NARBA.

Nevertheless, we must seek interim assistance for as many U.S. broadcasters as possible. Our AM broadcast system is highly complex, and therefore the number of stations that can modify their facilities in an attempt to overcome Cuban interference is extremely limited.

In the face of a marked increase in the number of stations falling victim to the illegal interference from Cuba, and as a result of the Florida Broadcasters' lobbying efforts, the State Department and the FCC modified their positions in 1981 by allowing U.S. broadcasters to apply for modified facilities for their stations. The State Department issued a blanket authorization under which a domestic station can increase its power to compensate for illegal interference, but only to recoup lost service area, and only so long as it does not interfere with stations located in a third nation, such as Canada or Mexico. Under this policy the Commission began to provide expedited relief, on a temporary or conditional basis, to any station which conformed to the State Department criteria and which also did not create interference to any other domestic station. However, it is important to understand that this policy of temporary relief was designed only to recoup lost service area and specifically prohibited stations from increasing their former service area. The following nine stations have received partial relief: WPLP, WKAT, WINZ, WIOD, WQBA, WNWS, WEAT, WVCG and WQDI. In addition WSUN has a request pending.

It should be recognized that each of these stations expended considerable funds in engineering and legal fees to receive only a special temporary authority or a conditional license from the FCC, and most of the stations were required to make substantial capital expenditures for the new equipment and/or new land.

The Florida Broadcasters believe it is appropriate for our Government to provide compensation for expenses incurred by broadcasters to modify their facilities as a result of Castro's undeclared radio war.

In an attempt to discredit this proposal, some parties have grossly exaggerated the potential amount of compensation. Some parties suggest that the total compensation will easily exceed $40 million since 200 to 300 radio stations may be adversely affected by the Cuban interference.

While it is true that 200 to 300 stations may be adversely affected by these illegal operations, it is also true that, due to the complex interference requirements of the FCC and the need to protect other countries' radio operations, only a small number of stations are eligible for relief from the FCC in terms of increased power or modification to their authorized faciilties. In fact, this limitation applies to the majority of the 36 Florida stations that are projected to be victims of Castro's radio operations.

Although WQBA in Miami was required to spend approximately $1 million, many of the other radio stations spent less than $100,000 each. For instance, both WINZ and WEAT each spent approximately $60,000. The total expenditure for all those stations that have received relief from the FCC to date is less than $3 million. Furthermore, only a minimum number of additional stations will be able to modify their facilities and thus be eligible for compensation for facility modifications.

Accordingly, the $40 million estimate is a gross distortion of the potential cost of the compensation program that we request. Therefore, we respectfully urge the Senate to require facility compensation, and to authorize $5 million for those stations that have been or will be adversely affected by Cuban radio interference and that have or will modify their facilities in an attempt to overcome that interference pursuant to FCC authorization.

The South Florida Radio Broadcasters Association is on record supporting the proposal to build and operate Radio Marti, and it supports the establishment of a fund to compensate broadcasters for such facility modifications.

The Florida Association of Broadcasters is on record supporting H.R. 5427, as amended during the last session of Congress. This bill included facility compensation for broadcasters who are victims of illegal Cuban radio interference. Accordingly the FAB supports the proposed Radio Marti bill with the addition of mandatory facility compensation.

We also believe it appropriate to clarify the frequency selection as specified in the legislation before you. It is our understanding that it is the intent of the Administration to limit the broadcasts of the existing Voice of America facility and the proposed Radio Marti facility to 1180 kilohertz on the AM band. The present language is considered by many to be unclear, and thus we would recommend that the specific frequency be specified.

Thank you.

Senator ZORINSKY. Mr. Leibowitz, do you feel that $5 million is adequate?

Mr. **Leibowitz.** Senator, for purposes of facility modification, I do. The stations that have received the STA's and conditional licenses to date have expended approximately $2.6 million. It has been estimated that only about 20 stations could take advantage of this policy, half of whom already have. Unfortunately, no one has made an engineering analysis of how many other stations can take advantage of this policy, but our estimate is based upon consultation with many FCC engineers.

Thus, unless the State Department radically changes its position and the FCC radically changes its position, the $5 million should be adequate for facility compensation.

Senator **Zorinsky.** Totally.

Mr. **Leibowitz.** Thank you.

Senator **Zorinsky** Thank you.

Mr. **Fritts.** Mr. Chairman, if I could interrupt, we have one other panelist. The table was not large enough to include him.

Senator **Zorinsky** Certainly. Yes, I apologize. Would you state your name?

STATEMENT OF ROBERT G. ENGELHARDT, EXECUTIVE VICE PRESIDENT, PALMER COMMUNICATIONS INCORPORATED, DES MOINES, IOWA

Mr. **Engelhardt.** Thank you, Mr. Chairman. My name is Robert Engelhardt and I am the executive vice president of Palmer Communications, Inc., licensee of radio station WHO in Des Moines. I thank you for this opportunity to testify with regard to Radio Marti.

While negotiations over the past few months have resulted in a narrowing of the differences between broadcasters and the administration, we still believe that S. 659 remains seriously flawed. We have all heard a good deal of testimony this morning with regard to Radio Marathon's programing and the fact that it is identical to that proposed for Radio Marti's. For years the VOA has broadcast exactly the type of programing about Cuba that Radio Marti would broadcast under S. 659.

We have also heard a good deal of testimony concerning the principal justification for Radio Marti, and that is the alleged monopoly exercised by Castro over the information that reaches the Cuban people. We have also heard that that, too, is not true.

If Congress accepted the truth of that justification, it would have to concede that Radio Marathon has been a waste of dollars, that the BBC and the overseas radio services of the West German and French Governments do not reach Cuba, and that the signals of literally dozens of United States, Caribbean, and South and Central American stations are also not received in Cuba.

Testimony today generally agrees that a separate Radio Marti entity is not necessary and that the committee should adopt amendments to minimize the domestic impact of Radio Marti, and we would agree with that.

This year, the administration claims it does not plan to use 1040 kHz for Radio Marti. At least that is what sponsors of S. 659 state is the intention behind section 3 of the bill. While Radio Marathon currently operates on 1180 kHz, S. 659 does not restrict either Radio Marti or Radio Marathon to 1180 kHz. Rather, it gives the administration the discretion to request the assignment of any AM frequency for Radio Marathon and, hence, for Radio Marti.

For radio broadcasters and their millions of listeners, that is not acceptable. We respectfully urge the committee to amend S. 659 to specify that Radio Marti must be limited to 1180 kHz. If the proponents of Radio Marti mean what they say, there should be no objection to specifying the frequency in the bill.

The U.S. radio spectrum is divided into two portions. The first is nongovernment and is administered by the FCC for the benefit of the American public. This band has been set aside for domestic broadcast services to people of the United States, not for service to foreign countries by Government stations. Except for Radio Marathon on 1180 kHz, there are no other Government AM stations in the continental United States.

Radio Marathon's use of 1180 kHz has been accepted by the broadcasting industry because the station arose during the Cuban missile crisis and it is the official international radio of the United States, a status that cannot be claimed for Radio Marti. The second portion of the spectrum is for Government use and is administered by the NTIA.

The AM spectrum requires precise engineering to maximize the number of stations and reduce the interference between stations. In that regard, the United States has the best engineering broadcast service in the world. If the Government were allowed to begin operating in the domestic AM band at will, the carefully designed but fragile engineering structure of U.S. AM stations would be in grave jeopardy.

Now that is not an academic threat. Last year, without congressional authorization, the Navy built a 50-kilowatt AM station at Saddlebunch Key, Fla., on 1040 kHz. The station antenna is focused toward Cuba and is built at the coordinates for and to the specifications of Radio Marti. While Radio Marti failed to pass the Senate in the 97th Congress, the Navy was left with a station built and tuned to 1040 kHz but no authority to operate it.

On April 7 of this year, Under Secretary of Defense Fred Ikle requested NTIA to assign 1040 kHz for the Navy station. Fortunately, Senators Grassley and Jepsen learned of the April 7 request and its threat to WHO. They met with Secretary Ikle and on the 15th of this month the Defense Department withdrew its request to use 1040 kHz.

Now this illustrates how vulnerable the nongovernment broadcast spectrum is to this unprecedented confiscation. As the events of last August vividly disclose, the victims of Cuban retaliation will be the American radio stations and their listeners.

To prevent similar unwarranted incursions into the AM band, Palmer urges passage of an amendment to S. 659. Such a provision would limit all Government broadcast stations in the AM and FM bands to 1180 kHz, other than in times of war, threat of war, public peril, and the like, declared by the President.

In conclusion, I want to make clear that Palmer does not oppose the concept of increasing the flow of information to Cuba. If there is a gap in the amount of information about Cuba available to the Cuban people, the logical solution is for Congress to direct the VOA to increase Radio Marathon's hours of operation.

The combined services of Radio Marathon and of our allies will accomplish Radio Marti's mission at a fraction of the cost to our taxpayers and a minimum risk to American radio stations. It also will prevent an unnecessary impediment to negotiations with Cuba over the interference problem. It is only through negotiations that the interference problem will be solved.

We respectfully urge the committee to specificaly restrict Radio Marti to 1180 kHz and to more narrowly define the Government's ability to co-opt nongovernment radio frequencies.

Thank you.

[Mr. Engelhardt's prepared statement follows:]

PREPARED STATEMENT OF ROBERT G. ENGELHARDT

Mr. Chairman and members of the Committee: My name is Robert G. Engelhardt. I am Executive Vice President and Secretary of Palmer Communications Incorporated, the licensee of Radio Station WHO, Des Moines, Iowa.

I welcome this opportunity to once again testify on the Administration's proposal for radio broadcasting to Cuba, popularly known as Radio Marti and identified as S. 659.

While negotiations over the past few months have resulted in a narrowing of the differences between broadcasters and the Administration, we believe that S. 659, while an improvement over last year's bill, H.R. 5427, remains seriously flawed, and poses an unacceptable threat to AM radio broadcasters in this country.

NO NEED FOR A SEPARATE ENTITY

The Administration proposes to create a new separate entity for broadcasting to Cuba to be run by the Board for International Broadcasting and to operate on the AM radio band. Palmer believes that such a separate entity on the AM band will prompt massive retaliation against U.S. radio stations and, further, that the Radio Marti entity would largely duplicate the work of existing government and non-government radio services for Cuba.

No satisfactory explanation has been presented, either last year or to date, to justify the expense to taxpayers and the risk to broadcasters that the proposed Radio Marti separate entity entails. The mission of Radio Marti can be quickly, efficiently and economically fulfilled by directing the Voice of America to increase the hours of operation of its existing AM station, Radio Marathon, which operates on 1180 kHz but only 5 to 6 hours per day.

By all reports, Radio Marathon has built up a large and loyal audience in Cuba and it operates with maximum facilities which focus its signals at Cuba. Much of Radio Marathon's programing is all but identical to Radio Marti's. For years, the VOA has broadcast exactly the type of programing about Cuba that Radio Marti would provide to the Cuban people. In fact, the justification for Radio Marathon sounds surprisingly similar to that for Radio Marti. In its 1973 request for continued permission to use 1180 kHz for the VOA, the USIA stated the twofold political justification for continued VOA AM broadcasts to Cuba:

> (1) to perpetuate the goodwill which has long existed between the people of Cuba and the people of the U.S. regardless of the existing Cuban regime, and
>
> (2) to provide the people of Cuba with factual reporting of events *in Cuba* and throughout the world.

Letter from Eugene P. Kopp, Acting Director of USIA to Clay T. Whitehead, Director, Office of Telecommunications Policy, September 24, 1973 at 2 (emphasis added).

Compare Radio Marathon's justification with the finding in Section 2, page 2, lines 4–8 of S. 659 that "radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba . . ." and with Secretary Enders' testimony last December before the House Committee on Foreign Affairs: "We intend to underscore our deep commitment to the Cuban people by responding to their own wish to know the truth by increasing our dissemination of regular, objective, factual news about Cuba." Thomas O. Enders, Assistant Secretary of State for

Inter-American Affairs before the Subcommittee on Inter-American Affairs and the Subcommittee on International Economic Policy of the House Committee of Foreign Affairs, 97th Cong., 2d sess. 10 (1982).

Moreover, the USIA stated in a June 1980 report entitled VOA Broadcasting to Cuba that Radio Marathon broadcasts interviews with Cuban political prisoners and refugees. In addition, "[d]evelopments involving Cubans in Angola and Ethiopia are reported to Cuba." In short, the VOA "can and does . . . deal with [Cuba's] internal developments when and as they become issues of international significance." This conclusion was echoed in the June 28, 1982 Congressional Research Service report to this Committee entitled Radio Marti at pages 19–20. Yet, while Castro rarely jams Radio Marathon the station operates only a few hours a day. Since Radio Marathon is intended to and already carries most of the types of programing proposed for Radio Marti, there is no justification for expending more tax dollars to build a second station to duplicate the work of an underutilized one.

A prime justification for Radio Marti is the alleged absolute monopoly exercised by Castro over the information that reaches the Cuban people. This is simply not true. If it were, Congress would have to concede that Radio Marathon has been a waste of tax dollars, that the BBC and the overseas radio services of the West German and French governments do not reach Cuba; and that the signals of literally dozens of United States, Caribbean and South and Central American stations also are not received in Cuba. Facts at hand demonstrate that is not the case. Indeed, Palmer, which owns four radio stations in Florida, frequently receives letters from listeners in Cuba commenting on our programing. So the Cubans already have a window on the world and on events in Cuba supplied by not only the VOA and U.S. commercial stations but also by Spanish-language stations throughout the Hemisphere.

These services recently have been supplemented by the work of Cuba Independiente Y Democratia. CID reports in its February 1983 booklet entitled Radio Broadcasting to Cuba that since mid-1981, it has operated five radio stations directed at Cuba. Their 17 hours of broadcasts each day include musical, cultural, sports, news, religious, political satire and ideological programs, as well as programs designed to "create among the [Cuban] Armed Forces a renewal of consciousness about their own role as defenders of the real interests of the Cuban people, rather than supporters of a non-popular regime. CID keeps the Cuban population informed about national as well as international events." By the end of 1983, CID will have 10 radio stations in operation, nine short wave[1] and one 100 kW AM station with annual operating costs of only $750,000.

When one considers the radio services available to Cubans and the expense and duplication that will result between Radio Marathon and Radio Marti, coupled with the inescapable conclusion that a new separate Radio Marti entity will not only perpetuate but also exacerbate the existing Cuban interference problem, the rationale for a separate Radio Marti makes little sense politically or economically.

SEPARATE ENTITY

However, if it is ultimately decided that the symbol of a separate Radio Marti entity is of greater importance than the dollar savings of expanded hours for Radio Marathon and the harm that will result to U.S. radio stations and their audiences, the Committee should adopt amendments to minimize the domestic impact of Radio Marti.

Last year, Palmer appeared before you because the government, without our knowledge or participation, selected the frequency (1040 kHz) of our 58 year old clear channel Radio Station, WHO, Des Moines, for Radio Marti. We were convinced that placing Radio Marti on 1040 kHz would have insured the activation of a 500,000 watt Cuban station on that frequency in retaliation which would destroy WHO's nighttime and pre-sunrise signal, reducing our coverage from 1.7 million to 5,900 square miles, a 99.65 percent loss. This would have the effect of wiping out WHO's repeatedly acclaimed pre-sunrise agricultural service relied on by thousands of farm families in Iowa and the Middle West. The magnitude of this potential loss both to WHO and our audience was described in great detail before this Committee last year by myself and by Senators Jepsen and Grassley. Cuba's ability and intention to retaliate was demonstrated beyond question on the night of August 30, 1982 when the "Voice of Cuba" was broadcast at very high power on five U.S. AM radio frequencies, including 1040 kHz. The Cuban station on our frequency was so powerful that we immediately received complaints from listeners from a wide geographical area, including many within the city limits of Des Moines. We estimate that the Cuban station operated with approximately 250,000 watts of power, five times the power of WHO and of Radio Marti. Clearly, if Radio Marti had been operating 1040 kHz on the night of August 30, the Voice of Cuba would have completely wiped it out.

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[1] CID reports that four out of five Cuban radio sets have good shortwave capability.

This year the Administration claims it does not plan to use 1040 kHz for Radio Marti. At least that is what the sponsors of S. 659 state is the intention behind Section 3 of the bill. It is claimed that Section 3 would permit Radio Marti to operate on the AM band only if stations agree to lease time or if the "frequency used by the Voice of America for its broadcasts on the facilities located at Marathon, Florida" is employed. While the VOA station, Radio Marathon, currently operates on 1180 kHz, S. 659 does not restrict Radio Marti or Radio Marathon to 1180 kHz. Rather, it gives the Administration the discretion to request the assignment of any AM frequency for Radio Marathon and, hence, for Radio Marti. In other words, if Radio Marti began operation on 1180 kHz, and Cuba retaliated on that frequency, the Administration could, under Section 3 of S. 659, request assignment of 1040 kHz for Radio Marathon. If 1040 kHz is jammed, the Administration could have any other frequency assigned. For radio broadcasters and their millions of listeners so dependent upon the services they provide, that is unacceptable.

To preclude this scenario, we urge the Committee to amend page 3, line 11 of S. 659 to specify that Radio Marti must be limited to 1180 kHz. If the proponents of Radio Marti mean what they say, that is that Section 3 limits Radio Marti to 1180 kHz, there should be no objection to specifying that in the bill. But a further amendment is also needed.

OTHER GOVERNMENT STATIONS

The U.S. radio spectrum is divided into two portions. The first is for non-government use and is administered by the Federal Communications Commission for the benefit of the American public. The AM and FM bands are part of the non-government portion. These bands have been set aside for broadcast services to the people of the United States through our system of commercial and non-commercial stations, not for service to foreign countries by government stations. The second portion is for government use and is administered by the National Telecommunications and Information Administration. Except for Radio Marathon on 1180 kHz, there are no other government AM broadcast stations in the continental United States. Radio Marathon's use of 1180 kHz has been accepted by the broadcasting industry because it arose during the Cuban Missile Crisis, and it is the official international radio of the United States, a status that cannot be claimed by Radio Marti.

Other than the limited exception of Radio Marathon on 1180 kHz, government broadcasting stations have not been and do not belong on the AM band except in times of national emergency. The AM spectrum requires very difficult and precise engineering to maximize the number of stations and people served by minimizing the degree of interference between stations. In that regard, the United States has the best engineered AM broadcast service in the world. If the government were allowed to begin operating on the AM band at will, the carefully designed but fragile engineering structure of U.S. AM broadcasting would be placed in grave jeopardy.

This is not an academic threat. Last year, without congressional authorization, the Navy built a 50 kW AM radio station at Saddlebunch Key, Fla. on 1040 kHz. The station, with a directional antenna to focus its signal toward Cuba, was built at the coordinants for and to the engineering specifications of Radio Marti. When this unauthorized construction was discovered, the Defense Department told this Committee that it needed a separate capability to broadcast to Cuba and that the Navy's station was not for Radio Marti although it could be shared with Radio Marti. When Radio Marti failed to pass the Senate in the 97th Congress, the Navy was left with a station built and tuned for 1040 kHz but no authority to operate it. Thus, WHO was faced with the prospect of having two provocative government stations designed to reach Cuba on its frequency.

This fact became significant again this month when on April 7, Under Secretary of Defense Fred Ikle requested NTIA to assign 1040 kHz for the Navy station. Once again, as with the original assignment of 1040 kHz for Radio Marti in 1981–82, WHO was not informed of the Defense Department's plans for our frequency and would not have been permitted to participate in the assignment process either at NTIA or the FCC. Fortunately, Senators Grassley and Jepsen learned of the April 7 request and its threat to WHO. They met with Secretary Ikle and on April 15, the Defense Department withdrew its request to use 1040 kHz. The station, however, remains in existence and nothing prevents the Department from requesting the assignment of 1040 kHz in the future.

This illustrates how vulnerable non-government broadcast spectrum is to this unpresidented confication. This pattern of conduct represents a threat to the integrity of the American radio broadcasting system. The requests for 1040 kHz were not made during a national emergency, such as the Cuban Missile Crisis. Rather, the requests for 1040 kHz were for stations which would broadcast political material to foreign countries. It would be naive in the extreme, especially in the context of United States-Cuban relations, to assume that Castro would not consider these government stations to be provocative and destabilizing and that he would let them pass without retaliation. As the events of last August 30 vividly disclosed, the victims of this retaliation will be American radio stations and their listeners. The AM and FM bands have been dedicated for service to the American listening audience.

To prevent similar unwarranted incursions into the AM and FM bands, Palmer urges passage of an amendment to S. 659 to preserve the integrity of the AM and FM bands for domestic use while providing necessary flexibility for government use of the frequencies. Such a provision would limit all government broadcast stations in the AM or FM bands to 1180 kHz other than in times of war, threat of war, public peril, and the like, declared by the President. On April 7, it was WHO that was in peril. Today, it may be the frequency of a station in Ohio, Illinois, Minnesota, Maryland, Kansas or South Dakota that the Defense Department is eying for the Navy's station.

CONCLUSION

In conclusion, I want to make clear that Palmer does not oppose the concept of increasing the flow of information to the Cuban people. Rather, we oppose the specific Radio Marti proposal that is before this Committee.

If there is a gap in the amount of information about Cuba available to the Cuban people, the logical solution is for Congress to direct VOA to increase Radio Marathon's hours of operation. That expansion, combined with CID's service and the services of the overseas radio services of our allies and the United States and other Hemispheric stations received in Cuba will accomplish Radio Marti's mission at a fraction of the cost to the taxpayers and a minimum risk to American radio broadcasters. It also will prevent an unnecessary impediment to negotiations with Cuba over the interference problem. It is only through negotiations that that problem will be solved.

If, however, the Committee rejects this position and concludes that a separate entity on the AM band is necessary, we urge the Committee to specifically restrict Radio Marti to 1180 kHz and to more narrowly define the government's ability to co-opt non-government frequencies.

Senator ZORINSKY. Thank you, Mr. Engelhardt.

Mr. Fritts, does the compensation package adopted on the House side address the problems of the broadcasters, in your opinion?

Mr. FRITTS. Well, it is a start toward addressing the problems, Senator. I have to think, however, contrary to my friend, Matt Leibowitz from Miami, that it is more like a Dade County relief bill because it is only going to help a small portion of broadcasters who are affected. You view the universe of those who might be devastated significantly by this proposed and threatened interference, I think we as broadcasters have to take a broader view of what is going to happen in States as far away as Utah and New York, Indiana, and even Wyoming.

Senator ZORINSKY. I note from your prepared statement a sense of frustration when you mentioned your dealings with the administration over Radio Marti. Could you give us any indication as to your conversations with them and with respect to their answers in the event that the creation of Radio Marti precipitated widespread interference with the frequencies of United States radio stations, especially with respect to any retaliatory actions that this country could take to stop Cuba from doing that?

Mr. **Fritts**. Inasmuch as Ambassador Enders has already talked about some of our discussions, I feel like maybe we ought to include all of them. We did in fact talk about the possibility of the United States using shortwave. That is not something we ruled out, but it is something apparently the Government has ruled out.

We have great concerns about the leasing proposal, after further studies indicate that there may be additional retaliatory effects to stations which are leased for this purpose.

One of the things we talked about was what happens if a radio war is triggered by these proposals. I think that to best characterize that is that we were concerned for the American broadcasters and for the listening public who enjoy the services rendered by broadcasters, that that service might be disrupted not just in south Florida but unilaterally across the radio dial, because clearly Cuba has the capacity to do that.

I would characterize their responses that they would take extreme measures following any retaliatory effects by Cuba.

Senator **Zorinsky**. Would the word "extreme" encompass bellicose type actions?

Mr. **Fritts**. Extreme, I think, would be the best way I could characterize it without violating, perhaps, the confidence of the conversation that we have had, keeping in mind that nothing was official, that these were off-the-record conversations.

Senator **Zorinsky**. Thank you. Mr. Fritts, would you characterize the figure of $5 million as being sufficient to enable the technology that is required to be installed in radio stations throughout the country that might be affected?

Mr. **Fritts**. I do not know that anyone can answer the exact figure. I think $5 million is a starting point. It depends on the extent of the retaliation. If retaliation is universal and across the dial, I think $5 million is a drop in the bucket as compared to what would be needed.

Keep in mind, if a station in Florida is being interfered with and the Government expends $300,000 or $400,000 to that station, Cuba may decide the next day not to interfere with the station any longer, and there is $300,000 or $400,000 that is in essence useless.

Senator **Zorinsky**. Would any of the representatives of the other broadcasting facilities like to comment on that? Mr. Hudson.

Mr. **Hudson**. If I may address the $5 million question, certainly as a Florida broadcaster with stations there in addition to our five other cities, we were appreciative of the compensation amendment. I mentioned earlier that for WSUN to go from 5 to 10 kW cost us about $100,000, and that is a lot of money.

But we are even more concerned about the long-range rating impact on that radio station as a result of ever-increasing Cuban interference. Our financial success, at least, is attributed entirely to our ratings success. We have NRB ratings down there made three times a year. In the last ratings book, for whatever reasons, we dropped 0.3 of a point.

We have investigated to some extent where those rating deficits occurred. The losses are both north and south of the St. Petersburg-Tampa area. To what degree that is a product of Cuban interference, we are to date not completely certain. But to get our $100,000 back, fine. But the compensation proposal does not address the substantial loss in value of this regional station if Cuban interference continues for the next 5 or 10 years and the ratings continue to drop and, with them, the billings. We paid $2 or $3 million a decade ago for WSUN. Before interference became so severe, WSUN's value had increased substantially. We expect that its value will be substantially reduced because of continuing, ever stronger, Cuban interference.

Senator ZORINSKY. Mr. Hudson, you have a radio station in Chicago.

Mr. HUDSON. Yes, sir, WJJD.

Senator ZORINSKY. What effects would your radio station in Chicago experience in the event that Castro decided to interfere with U.S. stations?

Mr. HUDSON. That is hard to say, but 1160 kHz, the frequency for our AM station in Chicago, is one of the frequencies that has been used by Cuba in the past. Quite frankly, we have not experienced the high degree of interference that other stations have suffered, although KSL in Salt Lake City, the clear channel station on that frequency, has experienced considerable interference.

Ours has been marginal in Chicago thus far. But if and when the situation does get as bad as we feel it might, yes, we could experience interference there, substantially, in addition to what we have gotten already for WPLO in Atlanta on 590 kHz, WCAO in Baltimore on 600 kHz, and, most of all, with WSUN in St. Petersburg.

Senator ZORINSKY. I imagine it would be a particular target in the event Marti becomes a reality inasmuch as the chairman of this committee is up for election next year in Illinois.

Mr. Leibowitz.

Mr. LEIBOWITZ. Yes; just to go back to the issue of the $5 million, I agree with Mr. Fritts in many ways that the $5 million may only be a starting point, but let me reiterate our AM radio broadcast system is perhaps the most complex in the world. It involves shoehorning in new radio stations so as not to create interference with other U.S. stations.

The policies that we were able to put into effect through the FCC and the State Department for interim authorizations, the STA policy—and the conditional licenses have severe limitations.

These limitations by the State Department require the United States stations to protect third countries that are signatories to the agreements that we are still bound by, other than Cuba. The FCC limitations are that the station's modifications cannot interfere with other U.S. broadcast stations. I am sure no one at this table would want an AM U.S. station to increase or modify its facilities so as to cause interference to another U.S. station.

Unfortunately, given the present engineering restrictions, given the present FCC policies, and the present State Department policies, the number of stations that can take advantage of the modification policy, the interim authorizations, are severely limited and the numbers are such that when looked at from this perspective $5 million is adequate.

If interference increases dramatically and if the FCC changes its policies, and if the State Department changes its policies, then perhaps the $5 million will not be adequate. But under the existing situation today, as we know it the $5 million is adequate.

Senator Zorinsky. Thank you, Mr. Leibowitz. I am always amused as to how we come up with a number that is adequate. I would say that broadcasting, Mr. Leibowitz, is much more complicated, with all the technology involved, than is, for instance, construction of the Philip Hart Building?

Mr. Leibowitz. Sir, not having been in construction, I cannot respond properly, but I agree with you that broadcasting is very complex and perhaps a proper response would indicate the way this figure was arrived at was actual discussions with the stations that have gone through the modifications, with their engineering people and with the people at the FCC, and also in consultation with a number of the brightest broadcast engineering people in the country.

Senator Zorinsky. I was told that the Philip Hart Building was designed by the best engineering minds, the best architects, but the one problem they had was dealing with the Government. It started out at a cost of $63 million and ended up at $130 million. If you cannot take a set of blueprints and plans to know how much a building is going to cost, it is beyond my realm of comprehension as to how an industry so complex as broadcasting can say under today's known set of circumstances what compensation under unknown circumstances will amount to.

Mr. Leibowitz. I would only suggest that unfortunately the Government is well known for its cost overruns, whereas most commercial radio stations are not. They are obviously under severe budgetary restraints.

Senator Zorinsky. But your cost overruns will be directly and proportionately affected by the irresponsibility in Government because this is a Government project. Do not ever forget that. I get enough letters from you people indicating what Government is doing to you without Radio Marti. I am very cognizant of that fact, too.

Mr. Smith. Mr. Chairman, if I might, moreover, I might say Mr. Leibowitz is talking about a situation in which we have a limited number of stations. The interference, the massive interference, Cuban interference in retaliation for Radio Marti, has not even begun yet. How can we calculate the cost in a situation in which dozens, perhaps even hundreds, of American radio stations are being affected?

I would again like to reiterate that there is a clear linkage between the matter of solving the question of interference and Radio Marti.

Senator Zorinsky. Mr. Fritts.

Mr. Fritts. I think all of us clearly agree that the only clear resolution to the radio interference problem caused by stations on the island of Cuba would be a negotiated agreement between the U.S. Government and perhaps in a multilateral forum, and I am encouraged to hear that Ambassador Enders has mentioned that the ITU is willing to play a role in this area.

I would only hope that the proposal and propelling this legislation forward would not be a deterrent to those negotiations, which ultimately are going to be the only resolution that we have to this radio interference problem.

Consequently, until we receive assurances that Radio Marti is not a deterrent to those negotiations, we will have great concerns about this legislation as it proceeds down the legislative path.

Senator ZORINSKY. Would anybody else like to make a final comment?

Mr. SMITH. I am not trying to have the final word. I just want to add three or four words to what Mr. Fritts just said, and that is that while the Cubans have indeed expressed a disposition, a willingness to explore fora for addressing this situation, they have made it perfectly clear, they have been emphatic in saying that so long as Radio Marti is on the books, which they consider a hostile act, rightly or wrongly, that there can be no agreement on this subject between the United States and Cuba.

So the idea that we may approach it in the ITU, fine, but there will not be an agreement so long as Radio Marti is on the books.

Senator ZORINSKY. Well, I can verify your statement. I have been told that by representatives of their government. I am encouraged, however, and hopeful that we have some reason to be optimistic. I was informed by representatives of the Cuban Government that they would be very anxious and open to negotiating at the level of government-to-government to resolve the frequency problem once and for all between the two countries.

I would only hope that this administration would accept their offer of negotiating, not under the cloud of Radio Marti but in an honest, sincere attempt to bring about a resolution of broadcasting interference between both countries.

Certainly I think the broadcasters deserve that. The broadcasting industry has people who have invested in their business, who have saved hard and worked hard, with sweat and with blood and tears all their lives to amortize equipment. You prepare payrolls every week. In a Nation experiencing high unemployment, you are the employers of many, many people who in turn pay taxes back to this country and certainly contribute to a great degree to the success of this Nation.

I cannot tell you what the broadcasting industry has meant to me as an individual. When I was mayor of Omaha, we were hit by a tornado of huge magnitude and the lives saved by the radio emergency statements made in our community is an achievement repeated many, many times throughout our Nation.

So the purpose you serve is not only information but at times the saving of American lives. So, I think you are entitled to some consideration when the Government takes it upon itself to go off half-cocked with cutsy ideas.

I would also say that although it is changing for the better, I know of no other industry that had to prove itself innocent after being looked at as guilty with respect to license renewal procedure. Every so many years, you've had to show that you were good enough to hold on to your investment and to hold on to your life's work, and to hold on to the ability to continue to create jobs for the American people.

Would anybody else have another statement to make? Otherwise, I am informed that there are other Senators who have indicated that they would like to ask questions. I would like to keep the record open for written questions in order that you may respond to them before the hearing is officially closed.

I would also like to leave this hearing open to the call of the chairman, if he feels a second day of hearings is necessary, in the event that the other Senators who expressed a desire to be here to participate in these hearings, would like to talk to you personally.

Under those conditions, we are in recess. I thank you.

[Additional questions and answers follow:]

STATE DEPARTMENT'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR ZORINSKY

Question 1. Through international conventions, the AM band is reserved for domestic broadcasts. Although there is one exception, the Voice of America, operating on the AM band, wouldn't the U.S. Government be in contravention of international conventions if Radio Marti is put on AM?

Answer. While the International Radio Regulations state that "in principle" the AM band is for domestic service, in practice it is well established that this band is also used for international broadcasting. Radio Marti's shared use of 1180 kHz would be entirely legal. In fact, United States use of 1180 has already been accepted by the ITU as part of the frequency assignment plan and has been in use for more than 20 years.

The AM radio band (medium wave) is used extensively by international broadcasters throughout the world. Some of the principal users:

BBC: Broadcasts to Western Europe on AM transmitters at Arford and Crowborough, England. To the Arabic world and south-east Asia, it uses super AM transmitters located on the Island of Masira, under the administration of Oman. In the Caribbean, it leases time on Deutsche Welle's transmitter in Monteserrat.

RFE: Has an AM transmitter in Germany for broadcast to Eastern Europe.

Deutsche Welle: Uses AM transmitters in Monteserrat for broadcasts to the Caribbean area, also, in Malta for broadcasts to North Africa and the Mediterranean area.

VOA: Has transmitter at Marathon for broadcasts to Cuba and the Yucatan. Also uses super-powered AM transmitters in Bahrain, The Philippines, Rhodes, Munich and Kavala (Greece). Leases AM transmitters from the BBC in England for broadcasts to Europe.

Raido Moscow: Until recently, used transmitters in Cuba for broadcasts to North Central and South America and the Caribbean area. Has super-powered transmitters (1 million watts) located all along its border to beam programs to countries stretching from Finland to China. In fact, as of early 1981, the Soviets have been using 145 medium wave transmitters (AM) for international broadcasting.

Radio Havana: Has AM transmitters beamed to North America, the Caribbean basin, central and South America. Until recently, it leased transmitters to Radio Moscow for broadcasts to the Western Hemisphere area.

The above are only a few users of AM band for international broadcasts.

Question 2. The new radio broadcasting to Cuba bill proposes use of VOA/Marathon facilities and frequency. What is to become of VOA AM broadcasting to Cuba from that facility?

Answer. H.R. 2453 provides flexibility on how to broadcast to Cuba. The use of 1180 kHz is one option, but there are a number of options and no final decision has been made on exactly how the Administration would do such broadcasting. The Administration hopes Congress will pass the bill as submitted in order to allow the Board for International Broadcasting flexibility in deciding how to broadcast to Cuba. The Administration believes that both VOA and Radio Broadcasting to Cuba are needed because both have distinctly different missions.

If the decision were made by the Congress for the VOA and Radio Broadcasting to Cuba to share the Marathon facility and frequency, the Administration would insure that an equitable arrangement would be worked out between the VOA and the BIB for continued VOA AM broadcasts to Cuba from that facility. At present, the VOA uses the Marathon transmitter five and a half hours per day, i.e. 2½ hours in the morning and 3 hours in the evening.

Question 3. Are you concerned that VOA's reputation in region will be harmed if a VOA facility is put at the disposal of a dedicated-to-Cuba entity?

Answer. The VOA and Radio Broadcasting to Cuba have distinctly separate missions and as such will be clearly identifiable to listeners through the content of their respective broadcasts. For example, the VOA is mandated to be a "window on America," explaining U.S. policy, institutions and society for foreign audiences. Radio Broadcasting to Cuba will focus *primarily* on news and information of and concerning Cubans.

In order to preserve their separate missions and objectives, efforts would be made to maintain separate identities (for example, the "sign-ons," musical identification and the formats of VOA and Radio Broadcasting to Cuba would be explicitly different as would the broadcast times). In addition, were the two stations to share a frequency, it would be useful to have several hours of silence between the broadcast times to further emphasize the difference between them. The use of the Marathon transmitter at different times by a broadcaster with a clearly defined mission different from that of the VOA, would not necessarily produce a confusion of identities. Further, Radio Broadcasting to Cuba would adhere to the highest standards of credibility, reliability and verifiability.

In terms of separation of identities if both radios use the same frequency, the Administration does not believe it makes any difference whether the same or different transmitters are used.

Question 4. What has been the reaction of the Cayman Islands or Anguilla, where VOA is seeking to establish additional VOA relay stations?

Answer. We have been informed by the VOA that it has no interest in a relay station on Anguilla and has never raised the issue with that government.

At one time, the VOA did have discussions with the British Government about a possible relay site on the Cayman Islands. The VOA is not pursuing those discussions because the Cayman Islands are not a prime location for a relay station.

[Whereupon, at 12:53 p.m., the committee adjourned, subject to call of the Chair.]

APPENDIX

PREPARED STATEMENT OF HON. BOB PACKWOOD, A U.S. SENATOR FROM OREGON

Mr. Chairman, I strongly support the establishment of Radio Marti—a radio station designed to bring up-to-date, uncensored news to the Cuban people. For more than 20 years, the Cuban people have received a steady flow of censored news which does not tell them the full scope of their government's activities at home and abroad. I believe it is time the Cuban people be allowed to hear the truth about their government's actions. It is time the Castro regime was held accountable for these actions.

The Cuban economy has registered a general failure. Soviet aid—almost $4 billion in 1982—is more than one quarter of Cuba's GNP. It appears as if the only thing that has prevented the collapse of the Cuban economy has been over $13 billion in Soviet aid over the last decade. And yet, day-after-day the Cuban people continue to face unacceptable conditions—rationed food, rationed clothing and deteriorating housing. There has been no improvement in the real income earned by the average Cuban since 1959.

The Cuban people certainly know, from their own experiences, about the serious economic problems facing their country. What they don't know is that at the same time they are forced to live with these conditions, their government is supporting 40,000 soldiers in Africa, 2,000 military and security personnel in Nicaragua and many thousands more Cubans who are abroad on various "international" missions, most of them military. The Cuban people are deliberately kept ignorant of the Cuban Government's foreign adventures. They have no way to hold their government accountable for devoting such a large portion of the country's resources to military missions abroad.

Cubans have a need, and a right, to know what the Castro regime's activities are costing them—in terms of their own economy and in terms of international stature. Radio Marti will accomplish this goal. It will break the government's absolute control over the dissemination of information and be an important addition to sporadic United States and Voice of America broadcasts to Cuba. At this time, there is not one U.S. commercial broadcast directed specifically at the Cuban people. And it is important to remember that Radio Marti will be aimed at the Cuban people, not at the Cuban Government.

Radio Marti will serve the same vital role that Radio Free Europe and Radio Liberty serve in broadcasting to the Soviet bloc in Europe. The operation of these radio networks is an integral part of U.S. foreign policy serving, in particular, our interest in promoting the free flow of information and ideas. For tens of millions of East Europeans, the most reliable information about their country comes from the outside world. There is no comparable source of news for those living in Cuba.

The Communist bloc countries certainly understand the importance of radio broadcasting. The Soviets broadcast 322 hours of program each week in this hemisphere alone. The People's Republic of China broadcasts 123 hours to this hemisphere. In addition, seven East European countries broadcast about 250 hours to Latin America and another 200 hours to North America. Cuba also does its share with 257 hours of broadcasting each week to North America and the Caribbean.

It is obvious that these countries understand that international radio broadcasting is the best way to communicate with millions of people. Their hundreds of hours of weekly broadcasting is testimony to this understanding. And yet, these same countries refuse to grant their own people the right to listen to foreign broadcasts without interference. Fidel Castro has made it clear that he does not like the idea of Radio Free Europe-type broadcasting to Cuba.

Even with the establishment of Radio Marti, the United States will remain far behind the Soviet Union and Cuba in the amount of resources and time devoted to international radio broadcasts. I think it is essential that we meet this challenge and provide for the creation of this new voice of truth for the Cuban people.

PREPARED STATEMENT OF F. CLIFTON WHITE, FORMER CHAIRMAN, PRESIDENTIAL COMMISSION ON BROADCASTING TO CUBA

Mr. Chairman and members of the committee. As you may recall, I testified last year before this body as chairman of the Presidential Commission on Broadcasting to Cuba. Our Commission took testimony from members of the public and examined every facet connected with developing a recommended plan for broadcasting to Cuba. The results of our deliberations and recommendations were given to members of this committee last August.

The Commission strongly endorsed the administration's proposal to initiate a radio broadcasting service to Cuba. In our view, it is an important peaceful foreign policy initiative and the most effective way to reach the Cuban people.

Questions and opposition from some broadcasters and congressional leaders, including some members of this committee, forced the administration to rewrite what our Commission found to be a sensible legislative proposal. I have since been in touch with the members of the Commission and can report that they continue to give their full support to the administration's latest proposal for a surrogate broadcasting service for Cuba. It was and will always remain the critical responsibility of America to provide the truth to people who hunger for it. In testimony before our Commission, various witnesses forcefully demonstrated the strong desire and need of the Cuban people to have a surrogate radio service that they can rely upon to tell them the truth about their government's activities at home and abroad. It is something that they have been denied for almost a quarter of a century because of Castro's monopolistic control of the Cuban media. By providing the Cuban people comprehensive and reliable information and coupling this with entertainment, sports and music, radio broadcasting to Cuba can serve as a surrogate home service and break the Cuban Government's self-serving media monopoly. Broadcasting as recommended by the commission is in keeping with America's unwaivering commitment to the principle of freedom of information. It also holds out the right "to seek, receive and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights.

Mr. Chairman, we dealt at length last year with the issue of Cuban radio interference. Cuban radio interference with United States broadcasting is nothing new. It has been going on for well over 15 years. Cuban interference is in violation of international broadcast agreements and predates radio broadcasting to Cuba which, after all, is still only a legislative proposal. Despite the vociferous opposition from the NAB last year, this point was supported a few weeks ago by a special NAB task force on Cuban radio interference. In its report to NAB members at their annual convention in Las Vegas on April 12, the task force pointed out that Cuban radio interference has existed for more than 15 years and is getting worse each year. It cannot logically be blamed on radio broadcasting to Cuba. Mr. Chairman, while Cuban interference should be a high priority for this administration and the Congress, it should not be allowed to stand in the way of moving forward with radio broadcasting to Cuba.

In closing, I respectfully urge you to proceed expeditiously with favorable action on this legislation. Radio broadcasting to Cuba is a service long overdue, 24 years to be exact. It is a peaceful, nonconfrontational approach to a serious problem that exists on our very doorstep. To pretend that it does not exist is to do a disservice to ourselves and to those we represent.

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